

From: Mark Westcott <mawwmi@gmail.com>
Sent: Wednesday, July 02, 2014 5:39 PM
To: rdubarry@warrencountydpw.com
Subject: Eminent Domain



Mark Westcott E-newsletter

July 2, 2014

Dear Friends and Neighbors,

Last night was the Public Meeting to hear the County's explanation for the Eminent Domain proceedings at Warren County Airport. This is my report.

Before taking private property through Eminent Domain, Government is required by law to be clear on the purpose and need. Government needs to be sure of the reasons for proceeding with Eminent Domain. I did not hear a strong purpose or need stated last night. What I heard was confusing and unclear.

There are six areas of concern covered in this email:

1. Actions/Discussions at Warren County Airport are being driven by old, outdated data.
2. There was confusion last night on why Eminent Domain was being pursued.
3. Eminent Domain moves forward before DEC approval of the runway expansion.
4. Important new information has come to light.
5. There are serious environmental concerns that have not been adequately addressed.

1) Actions/Discussions at Warren County Airport are being driven by old, outdated data.

Actions and discussions regarding the airport continue to be driven by a 2002 Master Plan. This includes the presentation last night where a 2002 map was used to show audience members the plans for the Eminent Domain project.

This map is not only old, but was based on an airport the FAA rated a C3 at the time. Today the airport classification has been downgraded to a B2. Meaning fewer aircraft and less traffic today than when this plan first originated and the airport was classified C3. Further this map does not include all of the work that has been done at the airport over the past 12 years. The classification affects the dimensions of various safety zones. Dimensions affect land needs.

We are moving forward with plans based on an old map and classification for our airport.

2) There was confusion last night on why Eminent Domain was being pursued.

One of the confusing moments last night came when Queensbury Supervisor John Strough and airport expansion proponent Harrison Freer stated the reason for the Eminent Domain proceedings was for safety obstruction removals and was not because of the airport runway expansion.

What is confusing is the resolution that was passed to authorize the eminent domain proceeding, which Mr. Strough voted for, clearly stated it was a result of the runway expansion:

RESOLUTION NO. 264 OF 2014 was passed May 16, 2014.

WHEREAS, to remain compliant with regulations of the Federal Aviation Administration and in order to extend Runway 1 at the Warren County Airport, the County must acquire off-airport land/aviation easements for the removal of obstructions to the navigable airspace on and over a parcel adjacent to the Warren County Airport and owned by Forest Enterprises Management, Inc. in the Town of Queensbury

RESOLVED, that the Warren County Board of Supervisors hereby authorizes C&S Engineers together through its sub-consultants RK Hite Co., Inc. and Hite & Beaumont, PC to commence the necessary proceedings under Article 2 and Article 4 of the Eminent Domain Procedure Law to acquire the subject property,

For a copy of the complete resolution please go to <http://unyta.org/wp-content/uploads/2013/05/Airport-Eminent-Domain-resolution.pdf>

Government needs to be sure of the reasons before proceeding with Eminent Domain. This situation was discussed repeatedly over time and captured in meeting notes. This resolution was vetted in committee and by the board before being approved, and clearly states the Eminent Domain is needed for the runway expansion.

3) Eminent Domain moves forward before DEC approval of the runway expansion.

It is my opinion the DEC will not approve the runway expansion. This is based on a December 9, 2013 letter. The DEC states before moving forward with the runway expansion:

Class 1 wetlands provide the most critical of the state's wetland benefits, reduction of which is acceptable only in the most unusual circumstances. A permit shall be issued only if it is determined that the proposed activity satisfies a compelling economic or social need that clearly and substantially outweighs the loss of or detriment to the benefits of the Class 1 wetland.

Specific Class 1 standards include "... satisfies a compelling economic or social need ..." The word "compelling" implies that the proposed activity carries with it not merely a sense of desirability or urgency, but of actual necessity; that the proposed activity must be done; that it is

unavoidable.

Here is a copy of the entire DEC letter - <http://unyta.org/wp-content/uploads/2013/05/Airport-DEC-Response-to-Comments-December-9-2013.pdf>

It is a mistake to move forward with Eminent Domain proceedings when the future of the runway expansion is in doubt.

4) Important new information has come to light.

For 2 ½ years I've been on the Board of Supervisors and the Facilities Committee that oversees the airport. It wasn't until a few weeks ago only through a FOIL was I able to see this document titled **Environmental Benefit Project Proposals** - <http://unyta.org/wp-content/uploads/2013/05/Airport-benefit-projects-2.pdf>.

What this proposal outlines are a series of Public Works projects formerly funded with County and other grant funds but would now be funded by the FAA as compensatory for the destruction of class 1 wetlands due to the runway expansion. I wonder how many supervisors are aware of this and to what extent it guides their decisions. It looks like the County has found a way to convert FAA money to fund local projects outside of the airport. As much as I might like to save local money, I would not choose to do it in this manner and I am sure that many of my fellow supervisors will feel the same way.

I've been told repeatedly the FAA Airport Improvement Project (AIP) HAS to be used solely for airport projects. These projects may be worthy but have nothing to do with aviation or our airport.

5) There are serious environment concerns that have not been adequately addressed.

The aggressive plans at the airport has a major negative impact on the environment. We are cutting down large areas of trees, filling in sensitive class 1 wetlands and jeopardizing a rare feature like the Marl Fen.

In addition to the wetland mitigation plan (presented above) will be "wetland creation" to "replace" the wetlands to be filled in. This will be in the backyards of a series of houses along Ridge Road. None of these owners seemed to have been made aware of this proposal before last night. There were many concerns raised by home owners and environmentalists.

These issues have not been adequately addressed. Many people left the meeting last night concerned and frustrated.

SUMMARY

The public meeting on Eminent Domain was required by law. The presenters last night went through the motions to comply with the law. There was very little information presented. There was no clear justification presented for the Eminent Domain.

60 people attended last night on a beautiful warm summer evening. There was no opportunity for question and answer. There was no feedback from the panelists on the public's comments. In a hearing like this there is no law that

requires responding to the public. There is also no law that says there can't be a response and this was a missed opportunity to address a number of concerns people had.

I've now been to three night meetings to discuss the airport where a combined 360 people attended. The overwhelming number of people who have attended these meetings are against the expansion plans at the airport. Recently similar meetings have been held in Columbia and Saratoga Counties where people spoke loud and clear at meetings – NO to runway expansions, NO to FAA money for expansion and NO to eminent domain. Columbia and Saratoga County are not proceeding with expansion at their airports. Warren County proceeds aggressively.

Eminent Domain are two of the most dreaded words. Eminent Domain is the right of a government or its agent to expropriate private property for public use with payment of compensation. We better be sure of ourselves before going forward with Eminent Domain. In this case there is confusion and unclear rationale.

Mark Westcott
Queensbury

Mark Westcott
cell 894-6811
email - mawwmi@gmail.com
www.westcottupny.com

This message was sent to rdubarry@warrencountydpw.com from:

Mark Westcott | mawwmi@gmail.com | Doug Beaty | 31 Oakwood Drive | Queensbury, NY 12804

Manage Your Subscription

Email Marketing by
iContact
try it free

Ross Dubarry

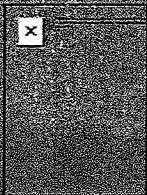
From: Harrison Freer <hcfreer@gmail.com>
Sent: Wednesday, July 02, 2014 6:16 PM
To: Ross Dubarry
Subject: Fwd: Eminent Domain

Follow Up Flag: Follow up
Flag Status: Flagged

Ross,
How many people signed in? I estimated 45 folks there.
best
Harrison

----- Forwarded message -----

From: Mark Westcott <mawwmi@gmail.com>
Date: Wed, Jul 2, 2014 at 5:38 PM
Subject: Eminent Domain
To: hcfreer@gmail.com



Mark Westcott E-newsletter

July 2, 2014

Dear Friends and Neighbors,

Last night was the Public Meeting to hear the County's explanation for the Eminent Domain proceedings at Warren County Airport. This is my report.

Before taking private property through Eminent Domain, Government is required by law to be clear on the purpose and need. Government needs to be sure of the reasons for proceeding with Eminent Domain. I did not hear a strong purpose or need stated last night. What I heard was confusing and unclear.

There are six areas of concern covered in this email:

1. Actions/Discussions at Warren County Airport are being driven by old, outdated data.
2. There was confusion last night on why Eminent Domain was being pursued.
3. Eminent Domain moves forward before DEC approval of the runway expansion.

6 Saint Andrews Drive

Queensbury, NY 12804

July 5, 2014

Mr. Ross Dubarry, Airport Manager

Floyd Bennett Memorial Airport

443 Queensbury Avenue, Room 201

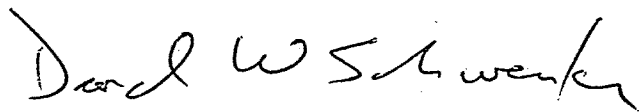
Queensbury, NY 12804

I am writing in support of the Warren County plan to purchase land and aviation easements in order to improve obstacle clearance for Runway 01 at Floyd Bennett Memorial Airport.

I feel that this represents a safety issue. The FAA database continues to show accidents related to impact with obstacles. As a result, the FAA has become much stricter about obstacle clearance requirements. Just as had happened at Saratoga County Airport a few years ago, these events are typically experienced by out of town crews.

Warren County, along with the State and Federal governments, has invested substantially in this facility for over 70 years. This acquisition allows Warren County to protect their investment for the future by maintaining the airport to the highest safety standards.

Sincerely,

A handwritten signature in black ink that reads "David W. Schwenker". The signature is written in a cursive, flowing style.

David W. Schwenker, MD

Ross Dubarry

From: Harrison Freer <hcfreer@gmail.com>
Sent: Sunday, July 06, 2014 3:06 PM
To: Ross Dubarry
Subject: Re: Eminent Domain Written Comment
Attachments: FBM_Eminent domain public comment_hcf_7614.pdf

with attachment

On Sun, Jul 6, 2014 at 3:05 PM, Harrison Freer <hcfreer@gmail.com> wrote:
Ross,
Please find my written comments for the Marci property attached.
regards
Harrison

Public Comment Sheet

Floyd Bennet Memorial Airport –off Airport Avigation easement/Land acquisition project Eminent Domain Procedure Law publick hearing –July 1, 2014

Name: Harrison Freer

Telephone Number: 5184804859

Address: 28 Garrison Rd, Queensbury, NY 12804

Email Address: hcfreer@gmail.com

Comment:

July 6, 2014

I support the subject action by the county to purchase approximately 4 acres and obtain a tree topping avigation easement for approximately 80 acres as a best practice to obtain rights to remove obstacles from the approach end of RW 01. Obstacles have caused instrument landing system (ILS) approach minimums to be raised for this primary instrument runway at Floyd Bennett Memorial (FBM) Airport due to trees. Every effort should be made to maintain clear approaches so that pilots can safely land without fear of obstacles in their flight path. This is in keeping with the FBM Master Plan and Federal Aviation Administration (FAA) Regulations. Approach and landing is the most common general aviation accident phase according to the National Transportation Safety Board (NTSB).

It is my understanding that this action is in keeping with the land owner desires to increase the easement and resolve negotiations for “just compensation.”

The comments made at the public hearing about this applying only to the planned runway extension are spurious, as is the worry about the marl fen wetlands. Rather this is just another tactic to of a small, vocal minority to thwart approved airport modernization at FBM. While the easement and land purchase are necessary for planned runway extension, they also benefit current airport operations and enhance safety and operational utility of FBM Airport.

I also stand by my verbal comments at the actual meeting, notwithstanding Mr. Travis Whitehead’s claim at the meeting that “everything Mr. Freer said was wrong.”

Thank you for your efforts to help maintain FBM as a viable airport and a key component in the country’s Integrated Airport system.

Regards



Ross Dubarry

From: Larry Reinstein <larry.reinstein@gmail.com>
Sent: Monday, July 07, 2014 7:54 AM
To: Ross Dubarry
Subject: My comments on airport expansion etc.

Hi Ross,

I want to express my support for the efforts underway for improving the Warren County Airport, increasing its safety, and expanding its runway as needed. I believe that the use of eminent domain to achieve this end is entirely reasonable and justified.

As you know I have owned a home in the county for more than a decade and have an aircraft based at KGFL for this same time period. I work at St. Peter's Hospital in Albany and make frequent use of the airport. I am always proud that this is a highly thought of and well maintained facility.

I also need to say that I believe Mark Westcott and his UNYTA publications distort the truth and make arguments that are not well thought out or based in fact. I hope the County leaders will not be swayed by this group and that the safety of our airport and the pilots and passengers who use it will not be compromised as a result.

Thank you for your efforts.

Sincerely,

Lawrence Reinstein, Ph.D, CFI

Ross Dubarry

From: John Hodgkins <john@wflake.com>
Sent: Monday, July 07, 2014 9:53 AM
To: rdubarry@warrencountydpw.com
Cc: 'Harrison Freer'
Subject: Comment re; July 1 hearing
Attachments: airport ILS01.docx

Ross,

Attached my comments regarding the Land Acquisition for RW 01 ILS

Thanks,
John

John L. Hodgkins
20 Kings Rd.
Lake George, NY 12845

July 7, 2014

Ross Dubarry
Airport Manager
Floyd Bennet Memorial Airport
443 Queensbury Ave.
Queensbury, NY 12804

RE: Comment regarding Floyd Bennet Memorial Airport Public hearing July 1, land Acquisition

Dear Mr. Dubarry,

I support the efforts of the County to secure lands and easements needed to allow the removal of obstacles from the instrument approach path for runway 01. The Airport is a vital part of the Warren Counties infrastructure and should be fully maintained to assure safety, utility, and support of our economy.

The public might not be aware that the Federal Aviation Administration has been building a new Air Traffic Control System (NexGen) which will expand the Airways to allow for safe direct instrument flight from Airport to Airport. A major phase of these "new highways in the sky" was completed this spring and will be fully operational by 2020. To take advantage of the NexGen system an Airport needs an exit ramp which the instrument approach paths provide.

The Approach Path to Runway 01 Warren County is currently compromised do to obstruction on the lands detailed at the public Hearing of July 1. The FAA has provided major financial assistance to aid in improvements that will allow Airports such as ours to take full advantage of the expanded airways. By making our portion of the investment the economy of Warren County will benefit.

Please move forward with the proposed improvements to the Airport.

Sincerely,

John L Hodgkins

Ross Dubarry

From: Momster Email <bssaunder@gmail.com>
Sent: Monday, July 07, 2014 12:43 PM
To: rdubarry@warrencountydpw.com
Subject: Public Comment

Hi, Ross-

I support the subject action by the county to purchase approximately 4 acres and obtain a tree topping avigation easement for approximately 80 acres as a best practice to obtain rights to remove obstacles from the approach end of RW 01. Obstacles have caused instrument landing system (ILS) approach minimums to be raised for this primary instrument runway at Floyd Bennett Memorial (FBM) Airport due to trees. Every effort should be made to maintain clear approaches so that pilots can safely land without fear of obstacles in their flight path. This is in keeping with the FBM Master Plan and Federal Aviation Administration (FAA) Regulations. Approach and landing is the most common general aviation accident phase according to the National Transportation Safety Board (NTSB).

It is my understanding that this action is in keeping with the land owner desires to increase the easement and resolve negotiations for "just compensation."

The comments made at the public hearing about this applying only to the planned runway extension are spurious, as is the worry about the marl fen wetlands. Rather this is just another tactic to of a small, vocal minority to thwart approved airport modernization at FBM. While the easement and land purchase are necessary for planned runway extension, they also benefit current airport operations and enhance safety and operational utility of FBM Airport.

Thank you for your efforts to help maintain KGFL as a viable airport and a key component in the country's Integrated Airport system.

Sincerely, Richard Andrew Saunders, MD

Ross Dubarry

From: Tom Jr. Cahill <tcahilljr@gmail.com>
Sent: Monday, July 07, 2014 2:00 PM
To: Ross Dubarry
Subject: Public Comment - airport
Attachments: IMG.pdf

Hi Ross:

Tom Jr. here. Please find attached my public comment sheet.

Many thanks

Tom Cahill Jr.

Public Comment Sheet

Floyd Bennet Memorial Airport –off Airport Avigation easement/Land acquisition project Eminent Domain Procedure Law publick hearing –July 1, 2014

Name: Thomas Cahill Jr.

Telephone Number: 518.685.5455

Address: 30 Sunny West Lane
Lake George, NY 12845

Email Address: tcahilljr@gmail.com

Comment:

July 6, 2014

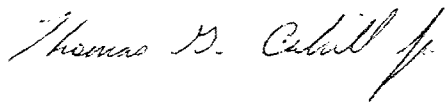
I support the subject action by the county to purchase approximately 4 acres and obtain a tree topping avigation easement for approximately 80 acres as a best practice to obtain rights to remove obstacles from the approach end of RW 01. Obstacles have caused instrument landing system (ILS) approach minimums to be raised for this primary instrument runway at Floyd Bennett Memorial (FBM) Airport due to trees. Every effort should be made to maintain clear approaches so that pilots can safely land without fear of obstacles in their flight path. This is in keeping with the FBM Master Plan and Federal Aviation Administration (FAA) Regulations. Approach and landing is the most common general aviation accident phase according to the National Transportation Safety Board (NTSB).

It is my understanding that this action is in keeping with the land owner desires to increase the easement and resolve negotiations for "just compensation."

The comments made at the public hearing about this applying only to the planned runway extension are spurious, as is the worry about the marl fen wetlands. Rather, this is just another tactic to of a small, vocal minority to thwart approved airport modernization at FBM. While the easement and land purchase are necessary for planned runway extension, they also benefit current airport operations and enhance safety and operational utility of FBM Airport.

Thank you for your efforts to help maintain FBM as a viable airport and a key component in the country's Integrated Airport system.

Sincerely,



PUBLIC COMMENT SHEET

FLOYD BENNETT MEMORIAL AIRPORT – OFF AIRPORT AVIGATION EASEMENT/ LAND ACQUISITION PROJECT
EMINENT DOMAIN PROCEDURE LAW PUBLIC HEARING – JULY 1, 2014

Name: Mr. JAMES L. LENDING

Telephone No.: 518-793-0577

Address: 395. RICH ROAD GAY

Email Address: aalhdoc@roadrunner.com

Comment:

SEE ATTACHED COPY
THE BASIC CONCERN I HAVE IS "NEED"
I SHOULD LIKE TO SEE THE REASONS
SUPPORTING THE NEED FOR THIS PROJECT.

Attach additional pages as needed. Written comments will be accepted until the close of business on July 8, 2014.

Please return written comment to:

Mr. Ross Dubarry
Airport Manager
Floyd Bennett Memorial Airport
443 Queensbury Ave., Rm. 201
Queensbury, NY 12804

761-6556
DEPT PUBLIC WORKS
WARREN
COUNTY

Print

Date: Monday, July 7, 2014 5:34 AM
From: James Glendening <aahdoc@roadrunner.com>
To: James Glendening <aahdoc@roadrunner.com>
Subject: Airport extension

Airport extension

The "need" for this runway extension has not been adequately proven. The "need" has been related to an increase in safety - this appears to be unsubstantiated.

There is no economic hardship or detriment shown which will be corrected by construction of more runway.

The majority of the present aircraft using the airport are not affected in any way by the present runway length. A precious few flights have to reduce their fuel load for takeoff. There was no indication that this use pattern would change in the foreseeable future - certainly not within the next five years - even if the proposed runway extension was accomplished. Once again - where is the "need"?

Wetland mitigation by excavating nearby areas to replace the 12 acres consumed by this project is an idea that is severely flawed. One needs approximately 5000 years for that to occur. Wetlands cannot be man made!

Where are we in the approval process of the airport expansion?

Why are we proceeding with Eminent domain land accessions when the DEC approval of this project has not been granted?

Before we proceed any further the "need" and the community support for this project needs to be clearly established. It appears we're heading towards another episode where the costs are not precise and there are many variables. We have the potential for developing a new "money pit"; without a proven "need".

My opinion is this project should be stopped due to the lack of necessity (need)!!

Dr. James Glendening
395 Ridge Road
Queensbury, NY 12804
July 7, 2014

Sent from my iPhone

Ross Dubarry

From: Neal <nealvan@aol.com>
Sent: Monday, July 07, 2014 2:02 PM
To: rdubarry@warrencountydpw.com
Subject: Airport Public Comment Sheet

PUBLIC COMMENT SHEET:

FLOYD BENNET MEMORIAL AIRPORT- EASEMENT/LAND ACQUISITION PROJECT PUBLIC HEARING JULY FIRST 2014

NAME: NEAL VAN DORSTEN
PHONE: 518-644-7034
POST OFFICE BOX 1515
BOLTON LANDING NY
NEALVAN@AOL.COM

COMMENT:

I totally support the actions of the county in their purchase of the 4 acres and also in total agreement with the topping of trees for the safety and welfare of the public. The primary concern of this project should be for the safety of the public, both on the ground and in the air.

The group leading this latest attack are a fringe element led by a self seeking politician interested in simply using emotional issues to further his agenda. It is time to move forward and complete this project as voted and approved. All of these objections are without merit.

neal van dorsten

John L. Hodgkins
20 Kings Rd.
Lake George, NY 12845

July 7, 2014

Dan Girard Chairman
Counties Facilities Committee
Warren County, NY

RE: Comment regarding Floyd Bennet Memorial Airport Public hearing July 1, land Acquisition

Mr. Chairman,

I support the efforts of the County to secure lands and easements needed to allow the removal of obstacles from the instrument approach path for runway 01. The Airport is a vital part of the Warren Counties infrastructure and should be fully maintained to assure safety, utility, and support of our economy.

The public might not be aware that the Federal Aviation Administration has been building a new Air Traffic Control System (NexGen) which will expand the Airways to allow for safe direct instrument flight from Airport to Airport. A major phase of these "new highways in the sky" was completed this spring and will be fully operational by 2020. To take advantage of the NexGen system an Airport needs an exit ramp which the instrument approach paths provide.

The Approach Path to Runway 01 Warren County is currently compromised do to obstruction on the lands detailed at the public Hearing of July 1. The FAA has provided major financial assistance to aid in improvements that will allow Airports such as ours to take full advantage of the expanded airways. By making our portion of the investment the economy of Warren County will benefit.

Please move forward with the proposed improvements to the Airport.

Sincerely,

John L Hodgkins

Ross Dubarry

From: Travis Whitehead <travis4@roadrunner.com>
Sent: Monday, July 07, 2014 4:59 PM
To: Jeff Tennyson
Cc: 'Dubarry, Ross'; 'Martin Auffredou'; 'Mark Westcott'
Subject: Re: Request for PPT slide
Attachments: Eminent Domain comments2.pdf

My followup comments are attached. Please let me know if this is not an acceptable method to include them in the official record. I asked earlier what the preferred method would be and have not heard back.

Travis Whitehead

Jeff Tennyson wrote:
Mr. Whitehead:

I think this is the one you are referring to. I'll request the all 4 ppt slides from C&S. I should be able to get that to you later this morning.

Sincerely,
Jeff

Jeffery E. Tennyson, P.E.
Superintendent of Public Works
Office: (518)761-6556
Fax: (518)623-2772
Cell: (518)232-4277

From: Travis Whitehead [<mailto:travis4@roadrunner.com>]
Sent: Thursday, July 03, 2014 11:57 AM
To: Dubarry, Ross
Cc: Jtennyson; 'Martin Auffredou'; Mark Westcott
Subject: Request for PPT slide

Ross,
At the Condemnation Public Hearing on 7/1 a graphic from the PPT presentation was left up during the comment period. It was a map of Runway 1, existing, and had a blue box along the bottom that contained some yellow obstruction markings.

In preparing my written comments I would like to refer to this graphic. If the entire PPT presentation is available I would prefer to see that, but at a minimum I need that graphic.

Please email me a copy if you can. As I am limited in my time to submit comments, I would like to ask for a prompt response.

Thanks,
Travis Whitehead

Comments for the record, subsequent to the WC Airport Eminent Domain hearing, July 1, 2014
pursuant to Section 2 of the NY Eminent Domain Procedure Law
Submitted by G. Travis Whitehead 7/7/2014

DETERMINATION OF THE NEED AND LOCATION OF A PUBLIC PROJECT PRIOR TO ACQUISITION
NY Code - Section 203: Conduct of the public hearing

*At the public hearing the condemnor shall outline **the purpose, proposed location or alternate locations of the public project** and any other information it considers pertinent, including maps and property descriptions of the property to be acquired and adjacent parcels. Thereafter, any person in attendance shall be given a reasonable opportunity to present an oral or written statement and to submit other documents concerning the proposed public project. A record of the hearing shall be kept, including written statements submitted. Copies of such record shall be available to the public for examination without cost during normal business hours at the condemnor's principal office and the office of the clerk or register of the county in which the property proposed to be acquired is located. Copies shall be reproduced upon written request and payment of the cost thereof. Further adjourned hearings may be scheduled.*

NY Code - Section 204: Determination and findings

The condemnor, within ninety days after the conclusion of the public hearings held pursuant to this article, shall make its determination and findings concerning the proposed public project and shall publish a brief synopsis of such determination and findings in at least two successive issues of an official newspaper.

*The synopsis shall include those factors set forth in subdivision (B) herein, and shall also state that copies of the determination and findings will be forwarded upon written request without cost. (B) The condemnor, in its determination and findings, shall specify, but shall not be limited to the following: (1) **the public use, benefit or purpose to be served by the proposed public project**; (2) the approximate location for the proposed public project and the reasons for the selection of that location; (3) **the general effect of the proposed project on the environment and residents of the locality**; (4) such other factors as it considers relevant.*

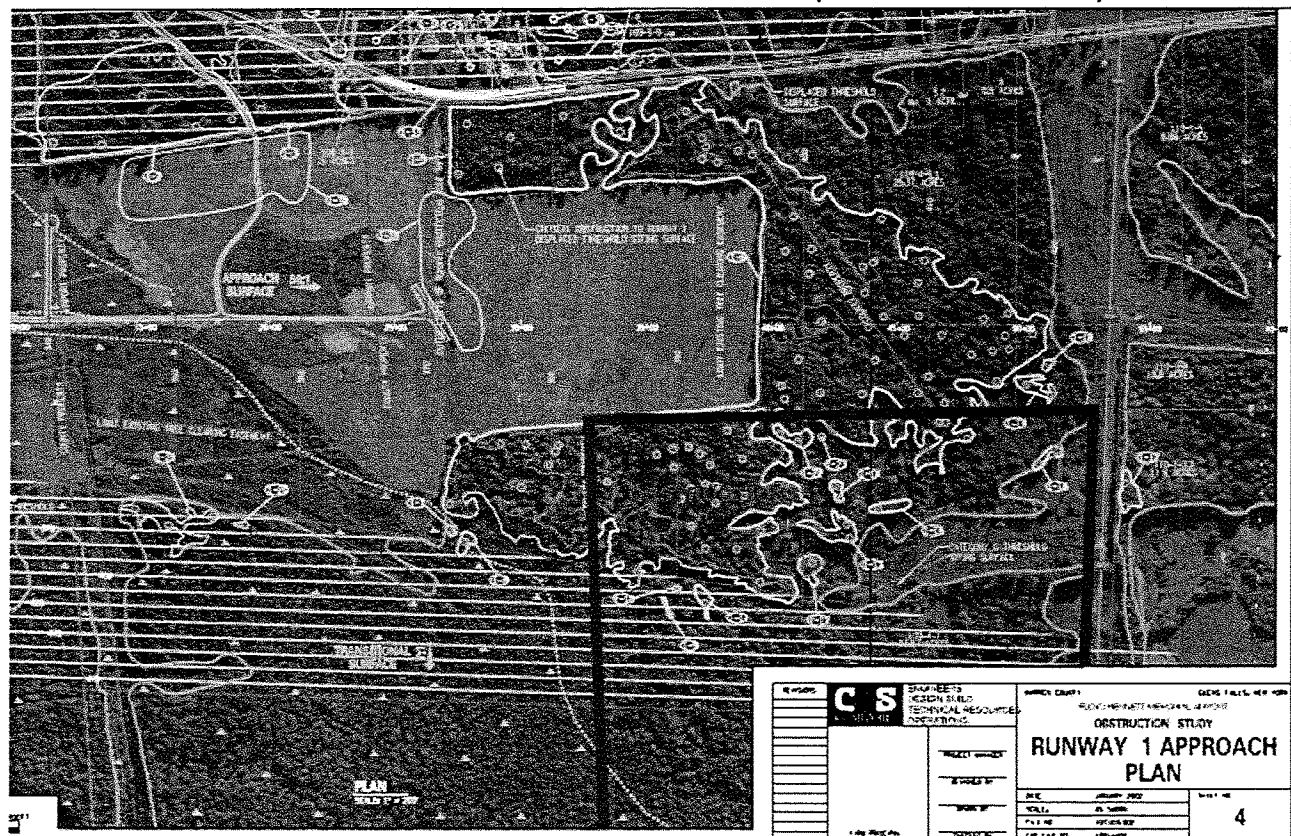
RESOLUTION NO. 264 OF 2014 was passed May 16, 2014.

*WHEREAS, to remain compliant with regulations of the Federal Aviation Administration and **in order to extend Runway 1 at the Warren County Airport**, the County **must acquire off-airport land/aviation easements for the removal of obstructions to the navigable airspace on and over a parcel adjacent to the Warren County Airport and owned by Forest Enterprises Management, Inc.***

The Resolution adopted in May is clearly the next step for the Macri Property acquisition often spoken about in the 2010/11 DPW Minutes. It is also clear from those minutes that Mr. Macri has allowed his land to be cleared of obstructions already. The 2002 map displayed at the meeting merely showed that obstructions existed on lands owned by Mr. Macri but in 2011 he allowed their removal, apparently without compensation.

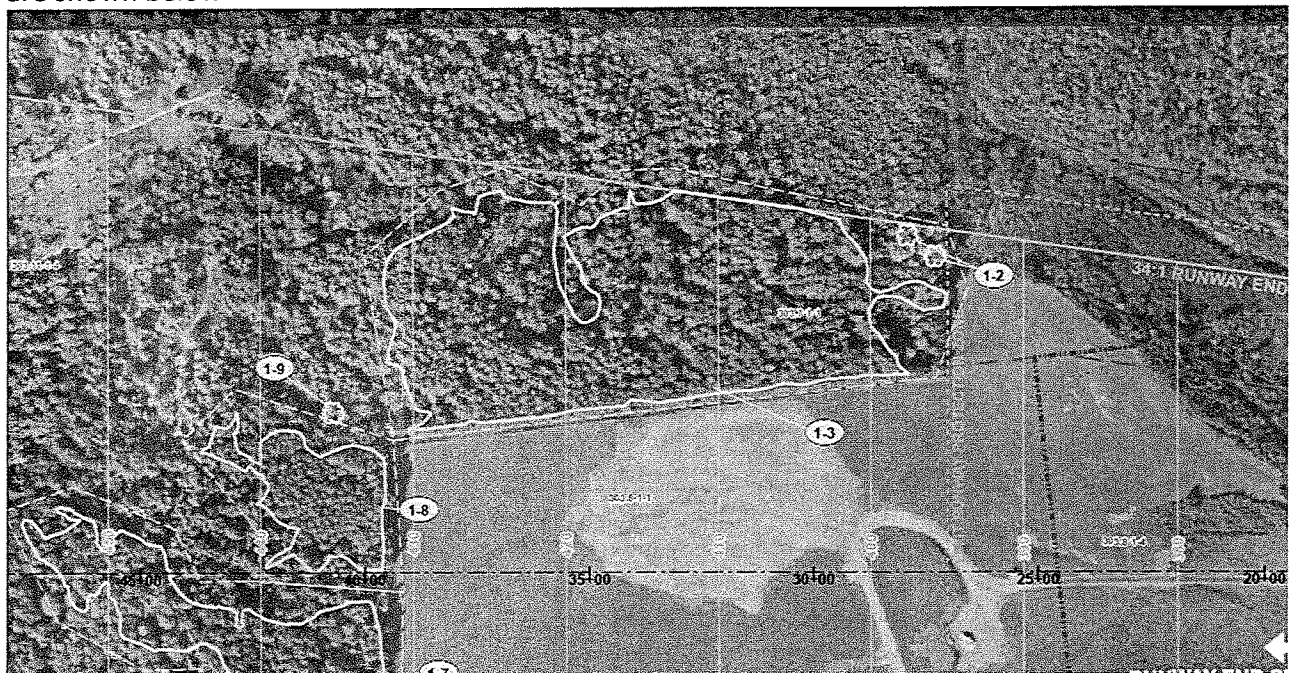
It seems clear that recently the County realized they had a very poor justification for the Runway Extension and chose to change the argument to one of safety and

The 3rd was the most interesting as it showed what were purported to be a plethora of “obstructions” contained within the boundaries of the parcel and even beyond.



There are 2 main issues with this graphic generated in 2002 that I have; and despite repeated attempts to elicit an explanation of the meaning of this graphic, the panel remained silent. This alone should negate the validity of the hearing from a legal standpoint as at the very least the import of that graphic was unclear to myself and I would say every other member of the audience.

First it is clear that the area was marked "OBSTRUCTIONS" when they were merely "penetrations" of the surface. The penetrations indicated intersect with the so-called 50:1 approach surface and the only thing the FAA requires is that those penetrations be reported, which is the purpose of that graphic. We are "compliant" in that regard. It remains up to the FAA to determine if any penetration becomes an "obstruction" which is done with a less restrictive set of surfaces. The County paid these same engineers to conduct an "obstruction" study for that runway in 2009. The results of that study are shown below



Note that the orientation is reversed, North is to the right rather than to the left in the previous map, the boundaries of the Macri lands are difficult to make out but if you look hard you will see blue dashed lines delineating the top left quarter of this graphic and the parcel number 303.11-1-4 on the left edge. Note that the obstructions stop in line with the E-W clearing line unlike on the graphic we were shown which shows them continuing to the South. Note also there are obstructions throughout the forested area above the clearing, about half on lands of Macri, the rest on County owned land to the right. What was never disclosed on 7/1/13, and obfuscated during follow up questions to Mr. Dubarry on 7/3 at the Airport mtg, was that the area in question was cleared of these obstructions in 2011. I can point to any number of meetings in that time frame where this was discussed. The full effect can be seen in the current Google Earth satellite photo below



Which shows this neatly clearcut section as of late 2011. Even the little area South and along the line that contained obstruction 1-9 has been cleared. Last winter the trees to the right of the Macri patch as well as trees along Queensbury avenue were also clear cut. Trees to the South on County land were removed as well which has pretty much eliminated all obstructions for Runway 1 at its present length. Mr Dubarry tried to say that those trees, clearly absent in 2011 have magically sprouted to 20 to 30 ft tall, which not only is an impossibility, but might still lie below the obstruction surface.

The 4th graphic shows how if the runway were be extended, a small portion of Mr Macri's land would be in the RPZ. This is also not a lack of compliance with any FAA requirement. It is a "desire" that the Airport control RPZ lands, not a "requirement" as stated in the Resolution, thus the authorizing resolution was not defended in this hearing.

In refusing to respond to questions from the public, the panel at the hearing not only violated their ethical responsibilities to inform the public in attendance, but also changed the proposed public benefit to something entirely different than what was authorized by Resolution 264 of 2014. While it may have legal to refuse to answer questions, it is doubtful that it was legal not to clarify questions so specific as the purpose and need for the proposed land taking. It certainly was illegal to proceed with a taking that was never authorized by resolution as the supervisors have never authorized the land taking based on the need to remove obstructions. If that argument is explored it would be found that not only is there no need for the 80 acres of easements for the existing runway, but that the obstructions in question have already been removed. For all of these reasons I ask that the hearing of 7/1 be rescheduled for a future date and conducted properly.

Ross Dubarry

From: David Morrissey <dmorrissey@roadrunner.com>
Sent: Monday, July 07, 2014 5:08 PM
To: Ross Dubarry
Subject: Avigation Easement - Land Acquisition
Attachments: FBM Public Comment 7-7-14.doc

Hi Ross:

Attached are my comments regarding the proposed Avigation Easement and Land Acquisition for the approach end of runway 1.

Thanks.

- Dave



This email is free from viruses and malware because avast! Antivirus protection is active.

Public Comment Sheet

Floyd Bennett Memorial Airport –off Airport Avigation easement/Land acquisition project

Eminent Domain Procedure Law Public Hearing –July 1, 2014

Name: David Morrissey Telephone Number: 518-260-0444 Date: July 7, 2014

Address: 16 Maple Drive Queensbury, NY 12804

Email Address: dmorrissey@roadrunner.com

Comment:

I am in favor of the subject action by Warren County to purchase approximately 4 acres, and obtain a tree topping avigation easement for approximately 80 acres, as the best solution to obtaining rights to remove obstacles from the approach end of RW 01.

In order to maintain the utility and viability of Floyd Bennett Memorial (FBM), efforts like these should be undertaken to ensure that pilots can safely land without fear of obstacles in their flight path. This is in keeping with the FBM Master Plan and Federal Aviation Administration (FAA) Regulations.

It is also my understanding that the purpose for the acquisition is to remove *known obstructions* to runway 1, at its current length. While it is true that the acquisition would also be required by the FAA prior to any consideration for funding the 1,000 foot extension for Runway 1, that is ancillary to the acquisition. This project involves tree topping on the Forest Enterprises property only and is needed even if the runway 1 extension does not happen.

Thank you for your continued efforts to help maintain FBM as a viable airport and a key component in the country's Integrated Airport system.

Regards

David Morrissey

Ross Dubarry

From: mike parwana <mikeparwana@gmail.com>
Sent: Tuesday, July 08, 2014 9:45 AM
To: rdubarry@warrencountydpw.com
Subject: airport comment

Public comment re:
Floyd Bennett Memorial Airport, off airport easements/land acquisition.

July 7, 2014

Comment:

I write in support of the purchase of land and easements, but also in support of improvements and modernization of the airport in general.

My primary concern is for the safety of those who use the airport or live nearby. We need to be proactive in securing a safe facility.

In addition to the issue of safety I am concerned that a lack of improvement to this important community asset will result in gradual loss of the many benefits our airport provides.

I have personal experience with the direct financial benefit the airport can provide. In 2004 a couple staying at the Point Resort in Saranac Lake saw work our business had done at the Resort and called to arrange a visit to our shop. They asked for the phone numbers of taxis that service the airport. The next day the couple flew from Saranac to our airport and took a taxi to our business Chicken Coop Forge on Corinth Rd, in Queensbury. They were building a home in East Hampton, Long Island and asked us to bid on indoor and outdoor lighting and fireplace screens tools and hardware. After visiting us, we gave them a ride to a well known local rustic furniture gallery to purchase furnishings.

Later they flew us from FBMA to East Hampton for a site visit. This proved to be a job worth several tens of thousands of dollars for us at the time. Last year the same customer who is on the board of the East Hampton Library called to ask us to bid on lighting for the Library and we were awarded another size-able contract. Currently we are working on more lighting for the same customer.

We are a small business with no advertising budget to speak of but we benefitted significantly from the access our airport provides to customers who own an airplane. Beyond the financial benefit to us and any sales tax that accrued locally, our business spent money within the community and nearby for materials used in our product; places such as JE Sawyer, Taylor Welding, Adirondack Stained Glassworks, the Powderworks in Johnsbury, Northeastern Waterjet, Albany and Kivort Steel, St Andrews Hardware and others. There are many other businesses in our community with far greater potential to reap financial benefit from an improved airport than ours.

Standing outside my business many days a week I notice small planes and jets flying to and from our airport. Each one of those planes represents the potential to improve our local economy through tourism money, and sales of goods especially high end products manufactured here.

But there are other benefits our airport provides. Three years ago a family member who lives in Virginia was involved in a horrific accident while on a visit here. After several month of recovery and rehab she needed to get home but physically was unable to ride in a car for more than a short period of time. The option was to hire an ambulance service to drive more than 10 hours each way to Virginia and back or the get a medical flight that lasted a little over an hour.

We drove her 20 minutes to Floyd Bennett, had a nice meal at the restaurant there and when the jet flew in we put her aboard and watched as she flew toward Virginia. We headed home and didn't wait long before we got a call saying she had arrived safely.

It is hard to know what the future will hold but if we do not invest in the infrastructure to sustain growth and quality of life we will not reach our full potential. The investment of previous generations made it possible for me and my family to benefit from the airport we have. Let us build on that investment for ourselves and for future generations.

Sincerely,
Mike Parwana
992 E River Dr
Lake Luzerne
798-9174

Ross Dubarry

From: Mark Westcott <mawwmi@gmail.com>
Sent: Tuesday, July 08, 2014 12:07 PM
To: Jeff Tennyson
Cc: Travis Whitehead; Dubarry, Ross; Martin Auffredou
Subject: Re: Request for PPT slide

Jeff or Ross - I would like to request a copy of the people who signed in and attended the meeting the other night. Thank you very much. Mark

On Mon, Jul 7, 2014 at 7:29 AM, Jeff Tennyson <jtennyson@warrencountydpw.com> wrote:

Mr. Whitehead:

I think this is the one you are referring to. I'll request the all 4 ppt slides from C&S. I should be able to get that to you later this morning.

Sincerely,

Jeff

Jeffery E. Tennyson, P.E.

Superintendent of Public Works

Office: [\(518\)761-6556](tel:5187616556)

Fax: [\(518\)623-2772](tel:5186232772)

Cell: [\(518\)232-4277](tel:5182324277)

From: Travis Whitehead [<mailto:travis4@roadrunner.com>]
Sent: Thursday, July 03, 2014 11:57 AM
To: Dubarry, Ross

Cc: Jtennyson; 'Martin Auffredou'; Mark Westcott

Subject: Request for PPT slide

Ross,

At the Condemnation Public Hearing on 7/1 a graphic from the PPT presentation was left up during the comment period. It was a map of Runway 1, existing, and had a blue box along the bottom that contained some yellow obstruction markings.

In preparing my written comments I would like to refer to this graphic. If the entire PPT presentation is available I would prefer to see that, but at a minimum I need that graphic.

Please email me a copy if you can. As I am limited in my time to submit comments, I would like to ask for a prompt response.

Thanks,

Travis Whitehead

Ross Dubarry

From: jmandwelle@yahoo.com
Sent: Tuesday, July 08, 2014 2:25 PM
To: Ross Dubarry
Cc: Martin Auffredou; Martin Auffredou
Subject: Additional Comments
Attachments: ADDITONAL COMMENTS AND SUGGESTIONS AT PUBLIC HEARING FOR ED.pdf

Ross-

Kindly find attached a copy of the full submission I hand delivered earlier today at your office.

Thank you for your time and cooperation and for handling a difficult situation that arose at the hearing in a calm, professional and respectful manor...

respectfully,

JONATHAN MANDWELLE, CPA
15 SYCAMORE DRIVE
QUEENSBURY, NY 12804
518-792-4519

JONATHAN MANDWELLE, CPA

15 SYCAMORE DRIVE
QUEENSBURY, NY 12804
TEL/FAX: 518-792-4519

July 8, 2014

Hand Delivered and by Email

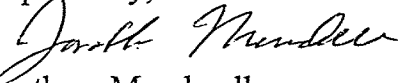
Mr. Ross Dubarry
Airport Manager
Floyd Bennett Memorial Airport
443 Queensbury Avenue, RM 201
Queensbury, NY 12804

Dear Mr. Dubarry,

Kindly find enclosed the Public Comment Sheet with my attached comments and related Exhibits to be included as part of the Public Hearing held Tuesday, July 1, 2014 in regards to the Eminent Domain Proceedings regarding the acquisition of land/avigation easements.

Your signed acknowledgement in the space below of my timely delivered submission would be greatly appreciated.


Respectfully,


Jonathan Mandwelle

I acknowledge timely receipt of the comments and related exhibits submitted by

Jonathan Mandwelle on July 8th, 2014

ROSS DUBARRY OR HIS REPRESENTATIVE

 7/8/14 @ 13:20

PUBLIC COMMENT SHEET

FLOYD BENNETT MEMORIAL AIRPORT – OFF AIRPORT AVIGATION EASEMENT/ LAND ACQUISITION PROJECT
EMINENT DOMAIN PROCEDURE LAW PUBLIC HEARING – JULY 1, 2014

Name: JONATHAN MANDWELLE

Telephone No.: 518-792-4519

Address: 15 SYCAMORE DR
QUEENSBURY, NY 12804

Email Address: jmandwelle@yahoo.com

Comment:

See Attached Comments P1-10 plus

EXHIBITS A-I

Attach additional pages as needed. Written comments will be accepted until the close of business on July 8, 2014.

Please return written comment to:

Mr. Ross Dubarry
Airport Manager
Floyd Bennett Memorial Airport
443 Queensbury Ave., Rm. 201
Queensbury, NY 12804

JONATHAN MANDWELLE, CPA

15 SYCAMORE DRIVE
QUEENSBURY, NY 12804
TEL/FAX: 518-792-4519

July 8, 2014

Hand Delivered and by Email

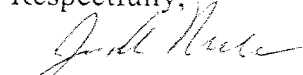
Mr. Ross Dubarry
Airport Manager
Floyd Bennett Memorial Airport
443 Queensbury Avenue, RM 201
Queensbury, NY 12804

Dear Mr. Dubarry,

Kindly find enclosed the Public Comment Sheet with my attached comments and related Exhibits to be included as part of the Public Hearing held Tuesday, July 1, 2014 in regards to the Eminent Domain Proceedings regarding the acquisition of land/aviation easements.

Your signed acknowledgement in the space below of my timely delivered submission would be greatly appreciated.

Respectfully,


Jonathan Mandwelle

I acknowledge timely receipt of the comments and related exhibits submitted by

Jonathan Mandwelle on July 8th, 2014

ROSS DUBARRY OR HIS REPRESENTATIVE

 7/8/14 @ 13:20

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

I wish to have the following written comments and related exhibits added to the record of comments and other submitted documents provided at the Public Hearing held on July 1, 2014 in regards to the Eminent Domain Proceedings regarding the acquisition of aviation rights of privately held land pursuant to NY EDP Laws Sections 201-208.

1. The law say the county (as the condemner) should provide all pertinent facts related to this proceeding. I do not believe the county has fully informed the public as only limited facts and other information has been provided to the public. It also states it must inform the public of the impact on the environment and upon the residents (NY EDP Law §201).
2. Having attended the hearing in person, I do not recall any information revealed verbally or in writing disclosing in full detail either the impact on the environment or upon the residents. It also did not disclose the full details of the necessity of the acquisition other than to say it was to conform to FAA safety standards authorized by RESOLUTION NO, 264 OF 2014 passed on May 16, 2014, a copy of which is attached as **EXHIBIT A..** Of further note, the aerial map presented on the overhead was from 2002-12 years ago. There was confusion as to exactly how it appears currently as opposed to 2002 and exactly which spot was subject to the proceeding.
3. With respect to the impact on the environment, the county has not disclosed what it would intend to do on the land if it acquired the easements it seeks Would

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

it remove a substantial amount of trees again as in a prior act or would it simply trim them to desired heights? There was also no disclose of any other environmental concerns. If there are none, and no conflicts with any other environmental regulatory authority(s), it should have stated so.

4. With respect to the impact upon the residents, the county has not informed the public of the potential direct and indirect financial impact upon on them. Those costs include, but are not limited to the following:

a. The possibility that the FAA and NYS Department of Transportation will cap the 90% reimbursement to the county taxpayers at the appraised value leaving the taxpayers on the hook for the excess;

b. There has been no disclosure of the cost of site preparation of the subject matter (initial clearing, possible roadways or accesses);

c. To my knowledge, the county has not informed the taxpayers of the long term cost of maintaining the property including but not limited to labor and the related employment taxes, the related fringe benefits including the post retirement benefits;

d. The county has not disclosed the fact of the long term loss of property tax revenues on other taxable property resulting from the reduction of assessed value on the subject property;

e. The county has not informed the public of the resulting zoning restrictions that will prevent the maximum commercial development of the said

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

property and the resulting loss of economic activity that could have possibly been attained;

f. Provided the runway extension requires permits from the DEC, and based upon DEC standards for approval regarding wetlands, the county should have disclosed this easement acquisition as contingent upon the successful obtainment of such permits

5. The county did not disclose the fact that the FAA would only require this easement if the runway expansion occurred.

6. The county also failed to provide to the public that this proceeding is only one of several land/easement acquisitions related to the proposed 1000' runway extension and that the costs of the entire project- past, current and projected should have been provided to fully inform the public of the true projected financial burden being placed on them including lost property tax revenues, property taxes to be paid to Washington County and the cost of maintaining all of the properties outlined in Comment 4 above including the legacy costs. Of further interest, I believe the county has not disclosed it's intent to purchase additional land around the airport or purchase additional aviation rights;

7. The county also failed to provide specific information as to why this entire runway expansion is necessary resulting in why this acquisition is necessary. Based on information and firm belief, the county's rationale is two-fold: to enhance the potential for commercial development around the airport and 2. to provide the needed safety for larger, heavier aircraft that cannot take off or land at the airport due to excess weight and/or inclement weather.

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

With respect to the former, it is not relevant for this proceeding where as the latter is most relevant as indicated by the passage of the resolution contained in **Exhibit A**.

According a to study done in 2005 by Wilbur Smith Associates for the Bennington County Airport in Vermont, also known as the WH Morse State Airport, the report describes in great detail FAA required runway lengths for specific weigh loads. **Exhibit B** shows Table 6.1 from this study. The relevant portion of this Table is in regards to aircraft weighing 60,000lbs or less and the related loads and the required runway lengths under normal operating conditions.

With respect to this group of larger aircraft, they can all land safely under normal operating conditions at 60% useful load using 5,290' yet need substantially more runway for 90% useful load. By inference, adverse conditions would warrant greater runway length at each load specified.

The point I wish to make here is that I have seen no study or other documentation produced by the county or third parties on behalf of the county that demonstrates that these large aircraft with heavier load capacities make at least 500 or more flight operations in the aggregate as required by the FAA to initiate the proposed 1000' extension. In the absence of such documentation, the proposed acquisition of land/easement rights of the subject property becomes moot.

In further support, I am attaching as **Exhibit C** Figure 8.1 from the same study that demonstrates the required runway lengths for specific aircraft. As you can see, there are only three aircraft that could not land at the airport in its present

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

form under the assumptions listed. However, reducing the load (using less fuel) would allow them as they have been to land here. The conclusion one draws is that the need to expand the airport is to accommodate heavier aircraft to land and take off with greater loads (more fuel) and to enhance the ability to land and take off in inclement weather.

8. **Exhibit C** also reveals that there are only three types of aircraft models that need more than 5,000' under the assumptions listed. No where could I find information that supports these types of aircraft, in the aggregate make 500 or more flight operations in a year. In any event, the airport, in its current state, can accommodate safe landings and takeoffs with reduced loads.

9. The question that then arises is, "why don't the affected aircrafts simply carry a lighter load if they intend to land at Warren County Airport?".

After much fact finding and due diligence, including pilot interviews, I have concluded that because these types of aircraft have the capacity to carry up to 1500 gallons of fuel, it is common to plan flight paths that include landing at airports that offer substantially better fuel prices than the destination or other places along the flight path. or to simply plan the fuel load at take-off to get them to the next filling at the best rates. In any event, it is my contention that the types of aircraft that must divert due to inclement weather and/or having too much weight is because pilots took the risk *before* takeoff of not being able to land at

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

Warren County or inclement weather prevented them from leaving at a preferred time because the load was too big.

I also believe that due to the seasonality of the airport operations, the FBO charges premium fuel prices that are substantially higher than other fuel providers in the region which in turn entices pilots and aircraft owners to fill up somewhere else before landing at Warren County Airport, thus escalating the risk of being diverted or being forced to land with lighter loads

or to avoid the airport altogether. Also, many fuel providers at other airports offer volume discounts to entice aircrafts to land and fill. The FBO at Warren County offers a partial rebate on the landing fees when aircrafts purchase fuel. Attached is **Exhibits D and E** which compare current regional prices to the Warren County Airport's FBO prices.

The overall point I make here and its relevance is that the county has not disclosed in full the nature of the issues giving rise to the need for the expansion that includes this proposed acquisition by eminent domain.

10. The next issue I wish present is that the airport, in its present form, is heavily underutilized. This is relevant to the proceeding at hand because in the absence of a fully utilized airport, one that only conducts significant operations on a seasonal basis, an expansion of the airport does not seem warranted.

To support my contention, I offer the following Exhibits:

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

Exhibit F: A report from FlightAware that reflects the breakdown of 51 based aircraft by type. Of relevance is only one jet is based there, down from 3 two years ago.

Exhibit G: This Chart was prepared by myself to demonstrate that the number of gallons of fuel purchased is a reflection of the airport's underutilization during non-summer months and the impact of transient traffic during the summer months. Of significance is that the purchase of fuel is in a general decline which I interpret as a decline transient traffic.

Exhibit H: This Chart was prepared by myself to demonstrate that the landing fees reported by the FBO again is a reflection of the airports underutilization during non-summer months and the impact of transient traffic during the summer. It also confirms the conclusion reached by **Exhibit G** and vice versa.

Of further interest, and upon information and firm belief, and as supported by the above referenced charts that have peaks occurring racing season at the Saratoga Flat Track, that the transient traffic is primarily attributed to visitors who land and stay in Saratoga County where they spend their money. Therefore, the economic benefits are claimed outside of this county, provided that assumption is correct.

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

11 The county has also failed to disclose what, if any, economic benefits are to be derived from this acquisition as part of the 1000' runway expansion and falls under the provision its "impact on the residents".

This Resolution authorizing the proceedings clearly suggest this is exclusively for safety reasons and to stay in compliance with FAA Standards, *provided the 1000' runway is constructed*. However, the lack of disclosing what incremental economic benefits are to be obtained from the 1000' runway expansion relative to all of the costs of the project, including this acquisition.

With respect to incremental economic benefits, the only benefactor will be the FBO of the Airport, RichAir owned and operated by local real estate developer Richard Schemerhorn.

So that anyone reading these comments is aware, the relative portion of the contract between the county and RichAir, which is now in the second 5 year period that ends on December 31, 2018, calls for payment to the county each month of a percentage of several revenue producing activities performed by the FBO. If, at the end of December each year, the aggregate amount remitted to the county is less than \$ 70,000, the FBO must make up the difference. For years 2009 through 2012, the county received no more than 71-72,000 .

Of significance, is that within the arrangement, it provides that the FBO shall remit to the county 7.5 cents for each gallon fuel sold. This remittance, when added together with other required remittances, must equal or exceed \$ 70,000.

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

Exhibit I has been prepared to summarize the gross fuel receipts, direct cost of fuel to the FBO (according to official records), gross margin, gallons sold and remittance to the county for the period from January 1, 2009 thru and including December 31, 2013.

As you can see, for years 2009 thru 2013, the county only receives a fraction of the gross margin received by the FBO. The relevance to this acquisition is that although the proposed purchase of air rights is not intended to be of a financial benefit, it is part of a larger project (the runway extension) that in my opinion will not have any financial benefit to the residents of this county. There have been claims by county officials that this will lead to greater fuel sale credits. That would

be likely but even if fuel sale credits doubled (for sake of argument), the county would get only an additional \$10,458 based on 2013 activity-which is negligible compared to the outlay the county intends to spend. Meanwhile, the FBO's bottom line improves by over 250,000. Clearly the, the residents of this county are being asked by the County to subsidize the potential escalation of net profits to a non-public entity.

And with that, I take very strong exception. This acquisition, taken together with the entire project, is of no value to the residents of this county and should not take place unless the county is willing to demonstrate through independently verifiable

WRITTEN COMMENTS FOR SUBMISSION AS IT RELATES TO THE EMINENT DOMAIN
PROCEEDING PUBLIC HEARING
HELD ON TUESDAY JULY 1, 2014

JONATHAN MANDWELLE
RESIDENT, TOWN OF QUEENSBURY, WARREN COUNTY

and credible information that there is an incremental benefit to the general public and to the residents of this county. Alternatives exist for heavier aircraft to land at other airports including Albany, Schenectady, Rutland, Burlington and Plattsburgh.

Thank you for your consideration.

Respectfully submitted,

Jonathan Mandwelle

Resident of Town of Queensbury, Warren County

EXHIBIT

A

RESOLUTION NO. 264 OF 2014 was passed May 16, 2014.

WHEREAS, to remain compliant with regulations of the Federal Aviation Administration and in order to extend Runway 1 at the Warren County Airport, the County must acquire off-airport land/avigation easements for the removal of obstructions to the navigable airspace on and over a parcel adjacent to the Warren County Airport and owned by Forest Enterprises Management, Inc. in the Town of Queensbury and known as Tax Map Parcel No. 303.11-1-4 and more particularly a 79.74± acre permanent avigation easement and 4.13± acre fee purchase ("the subject property"), and

WHEREAS, through correspondence of October 26, 2012, the County made a just compensation offer to Forest Enterprises Management, Inc. based upon the appraised value of Three Hundred Twenty-Seven Thousand Two Hundred Dollars (\$327,200) for the acquisition of the subject property, and

WHEREAS, the just compensation offer was conditionally accepted by Forest Enterprises Management, Inc. on February 22, 2013, and the County has subsequently been advised that the conditional acceptance has been rescinded by Forest Enterprises Management, Inc., and

WHEREAS, Robert S. Hite, Esq. as sub-consultant to C&S Engineers, Inc., consulting engineers to the County, is recommending that to acquire subject property proceedings under Article 2 and Article 4 of the Eminent Domain Procedure Law should be commenced, and

WHEREAS, this matter was discussed at the County Facilities Committee meeting conducted on April 29, 2014, and after deliberation the County Facilities Committee has recommended that the County authorize the commencement of proceedings under Article 2 and Article 4 of the Eminent Domain Procedure Law relative to the subject property, now, therefore, be it RESOLVED, that the Warren County Board of Supervisors hereby authorizes C&S Engineers together through its sub-consultants RK Hite Co., Inc. and Hite & Beaumont, PC to commence the necessary proceedings under Article 2 and Article 4 of the Eminent Domain Procedure Law to acquire the subject property, and be it further

RESOLVED, that the fees for the professional services necessary to commence and conclude the proceedings authorized herein have been authorized by separate resolution of the Board of Supervisors adopted on this date, and be it further

RESOLVED that the Chairman of the Board of Supervisors and/or the County Attorney be, and hereby are, authorized to execute any and all documents necessary to carry out the terms of this resolution

EXHIBIT

B

Table 6.1 FAA – Airport and Runway Length Airport Design Model

Airport and Runway Data		Input
Airport Elevation		827 feet
Mean daily maximum temperature of the hottest month		80.0 F
Maximum difference in runway centerline elevation		10 feet
Length of haul for airplanes of more than 60,000 pounds		500 miles
Recommended Primary Runway Length		
<i>Small planes with less than 10 passengers</i>		
75 percent of these small airplanes		2,680 feet
95 percent of these small airplanes		3,200 feet
100 percent of these small airplanes		3,810 feet
<i>Small planes with 10 or more passengers</i>		
		4,250 feet
<i>Large airplanes of 60,000 pounds or less</i>		
75 percent of these large airplanes at 60 percent useful load		4,700 feet
75 percent of these large airplanes at 90 percent useful load		6,120 feet
100 percent of these large airplanes at 60 percent useful load		5,290 feet
100 percent of these large airplanes at 90 percent useful load		7,820 feet

Source: Chapter 2 of AC 150/5325-4A, Runway Length Requirements for Airport Design

Note: small planes are typically single and multi-engine piston but jet aircraft. Turbo prop aircraft are 6,000 lbs or less are considered light turbo aircraft more than 6,000 to 12,000 lbs are considered medium turbo aircraft. Greater than 12,000 lbs are heavy turboprop aircraft.

General Aviation and Local Conditions

Locally, the key factors affecting GA are the general economy, airport location and population, surrounding airports and regional surface transportation and traffic. Aircraft based at the facility is also an important determinant of GA airport feasibility.

Many airport planners believe a GA airport catchment area will typically encompass about 30 miles/30 minute radius – on the longer end for personal use aircraft (30 miles) and shorter end for business travel (30 minutes).

Trends in GA

From a national perspective, GA usage and aircraft sales experienced a difficult period in the early to mid 1990s, as well as from 2001 to 2003. The downturn in GA flights and sales is primarily blamed on poor economic conditions together with rising aviation fuel prices and reduced demand for aviation services in general, especially in the high-end market for business/corporate jets.

The market for general aviation has staged a relatively strong recovery in 2004, primarily based on strong economic growth and accelerated depreciation allowances for operators of new aircraft. This recovery is measured in terms of operations and aircraft sales. Current national trends suggest that business use of general aviation is increasing faster than personal use aviation. Data from the National Business Aircraft Association (NBAA) shows that many of the top U.S. businesses use general aviation aircraft. The NBAA's Business Aviation Chart Books indicates that approximately 70 percent of all businesses included in the Fortune 500 operate general aviation aircraft.

EXHIBIT

C

EXHIBIT

D

Fuel price report

Summary of fuel prices at 3594 FBOs nationwide

	FUEL TYPES												
	100LL Avgas					Jet A				Mogas (auto)			
	FBOs	FBOs	Avg	Min	Max	FBOs	Avg	Min	Max	FBOs	Avg	Min	Max
Nationwide	3594	3506	\$6.02	\$4.29	\$12.36	2506	\$5.49	\$3.62	\$12.58	111	\$4.59	\$3.62	\$5.92
Alaska	76	62	\$7.21	\$5.56	\$12.36	59	\$6.85	\$4.64	\$12.58	5	\$5.77	\$5.77	\$5.77
Central	348	346	\$5.84	\$4.69	\$8.19	210	\$5.11	\$3.62	\$8.79	20	\$4.37	\$3.62	\$5.20
Eastern	361	347	\$6.37	\$5.10	\$9.60	248	\$5.90	\$4.41	\$9.27	5	\$4.67	\$4.25	\$5.75
Great Lakes	728	717	\$6.01	\$4.75	\$9.17	480	\$5.38	\$3.99	\$9.08	41	\$4.57	\$3.83	\$5.20
New England	139	133	\$6.31	\$5.20	\$8.83	80	\$5.73	\$3.79	\$9.00	5	\$4.84	\$4.41	\$4.95
Northwest Mountain	378	373	\$6.05	\$4.75	\$8.28	258	\$5.41	\$4.09	\$8.05	13	\$4.90	\$4.37	\$5.80
Southern	659	650	\$5.99	\$4.55	\$10.85	523	\$5.52	\$3.99	\$8.78	12	\$4.68	\$3.90	\$5.92
Southwest	556	548	\$5.71	\$4.29	\$8.43	398	\$5.29	\$3.83	\$8.03	8	\$4.43	\$4.30	\$4.55
Western-Pacific	349	330	\$6.18	\$4.85	\$8.55	250	\$5.63	\$4.00	\$8.19	2	not available		

This report prepared by AirNav on 08-Jul-2014

Report includes prices reported between 16-Jun-2014 and 08-Jul-2014

At least 50% of prices are no more than 7 days old (01-Jul-2014 or more recent)

Copyright © 2014 AirNav, LLC

EXHIBIT

E

Fuel prices within 50 miles of Queensbury, NY 12804

100LL Jet A

Airport / FBO

\$5.39--\$7.00 \$4.99--\$6.05
average \$6.18 average \$5.57

KGFL *Floyd Bennett Memorial Airport* Glens Falls, NY, USA

31 ESE



RICH AIR
LAKE GEORGE & GLENS FALLS



SS \$6.15 ES \$6.05
ES \$6.89

07-Jul
update

5B2 *Saratoga County Airport* Saratoga Springs, NY, USA

21 SSW



NORTH AMERICAN
FLIGHT SERVICES



SS \$6.16 ES \$5.77 GUARANTEED
ES \$6.43



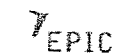
CHECK OUT OUR COMMENTS

KSCH *Schenectady County Airport* Schenectady, NY, USA

33 SSW



Richmor Aviation
BIOPILOT AVIATION



ES \$6.50 ES \$5.60 GUARANTEED



KRUT *Rutland - Southern Vermont Regional Airport* Rutland, VT, USA

33 NE



Columbia Air Services-
RUL LLC



SS \$6.08 SS \$5.36
ES \$6.68 ES \$5.68

GUARANTEED



KDDH *William H. Morse State Airport* Bennington, VT, USA

34 SSE

William H. Morse State Airport

AS \$5.39 AS \$4.99

03-Jul
update

NY0 *Fulton County Airport* Johnstown, NY, USA

36 SW

The 195 Factory

Phillips 66 SS \$5.99

17-Jun
update

K09 *Piseco Airport* Piseco, NY, USA

37 W

Piseco Airport

RA \$6.00

15-Apr
update

KALB *Albany International Airport* Albany, NY, USA

36 S



ES \$6.48 ES \$5.76

03-Jul
update

6B0 *Middlebury State Airport* Middlebury, VT, USA

48 NE

Middlebury State Airport

SS \$5.39

04-Jul
update

EXHIBIT

F

EXHIBIT

G

100000

750000

500000

250000

100000

50000

25000

0

JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER

2010
2011
2012
2013

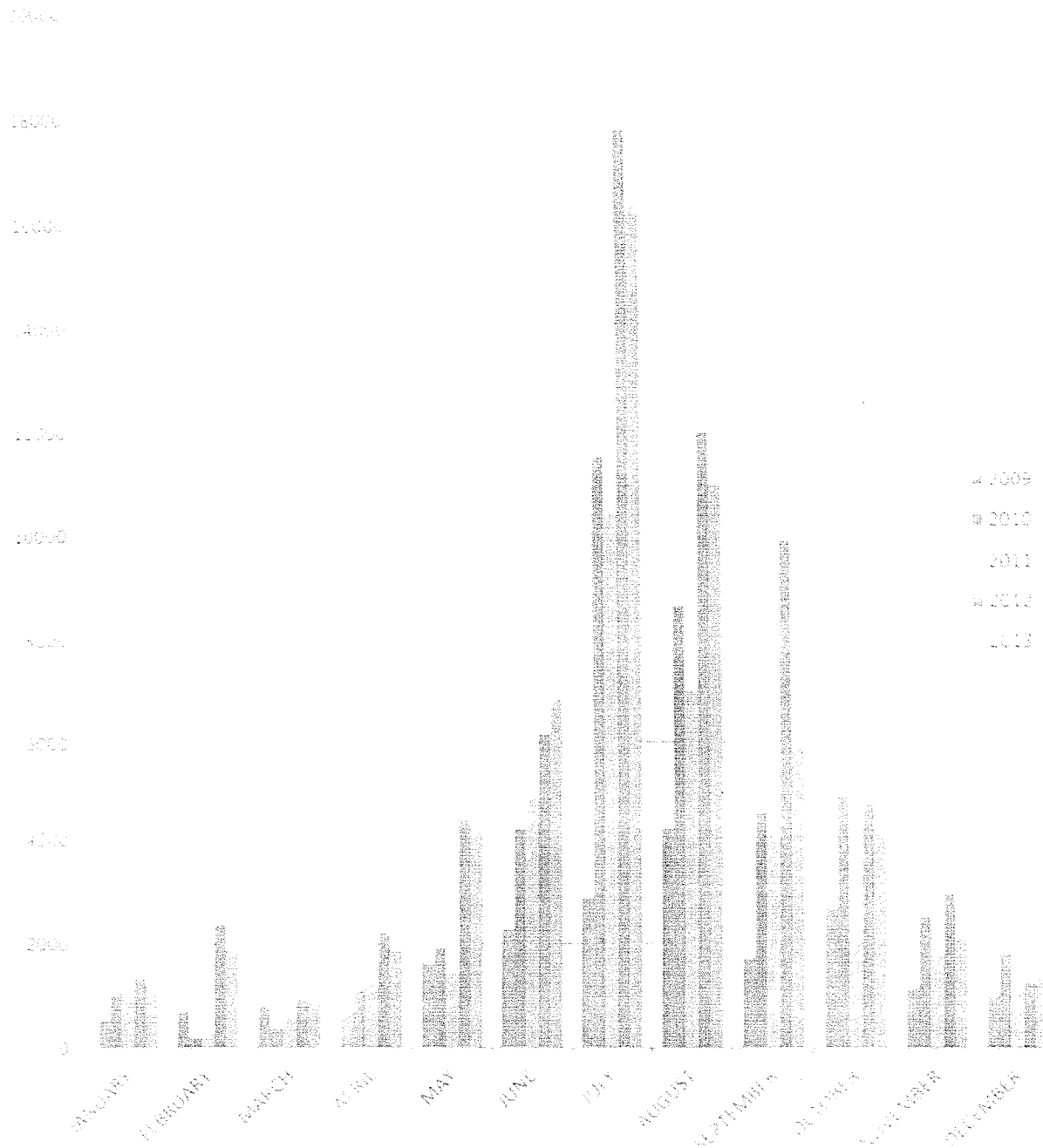
TOTAL GALLONS FUEL FROM 2/1/08 TO 1/31/14

SOURCE: FIELD BASE OPERATOR MONTHLY REMITTANCE SHEETS TO WARREN COUNTY



EXHIBIT

H



RAMP FEES COLLECTED BY FBO FROM 2009 THRU 2013

SOURCE: FIXED BASE OPERATOR MONTHLY REMITTANCE SHEETS TO WARREN COUNTY

BEFORE THE RAMP FEES WERE INCREASED IN 2011

EXHIBIT

I

EXHIBIT 1
SUMMARY OF FUEL SALES ACTIVITY AND REMITTANCES
JANUARY 2009 THRU DECEMBER 2013

YEAR	FUEL SALES (NET OF TAXES)	COST OF SALES	GROSS PROFIT	GALLONS SOLD	RATE OF REMITTANCE	PAID TO COUNTY
2009	689,854	432,082	257,772	181,560	.075/Gl	13,617
2010	857,572	543,891	313,681	192,512	.075/Gl	14,438
2011	852,412	596,488	255,924	159,288	.075/Gl	11,946
2012	927,251	631,652	295,599	160,939	.075/Gl	12,070
2013	UNKNOWN	UNKNOWN	UNKNOWN	139,436	.075/Gl	10,458

*BASED ON OFFICAL COUNTY RECORDS OBTAINED UNDER THE FREEDOM OF INFORMATION LAW

Ross Dubarry

From: Hal Kilburn <oztoo@aol.com>
Sent: Tuesday, July 08, 2014 3:52 PM
To: Rdubarry@warrencountydpw.com
Subject: Airport Project
Attachments: WCA_land.doc

Mr Dubarry:

Please accept the attached comment on the airport easement and land purchase.

Thanks,

Hal Kilburn

Public Comment Sheet

Warren County Airport – Airport Easement/Land Acquisition Project: Eminent Domain
Procedure Law Public Hearing – July 1, 2014

Name: Hal Kilburn

Telephone Number: 518-374-0167

Address: 9 Braydon Ave
Queensbury, NY 12804

Email Address: oztoo@aol.com

July 8, 2014

Comment:

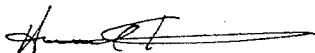
I support the subject action by the county to purchase approximately 4 acres and obtain a tree topping avigation easement for approximately 80 acres of land. This will allow the airport to remove obstacles from the approach end of runway 1. Obstacles have caused instrument landing system (ILS) approach minimums to be raised for this primary instrument runway at Warren County Airport (WCA). Every effort should be made to maintain clear approaches to ensure aircraft safety and to maximize the utility of the airport. It is my understanding that this is in keeping with the WCA Master Plan and Federal Aviation Administration (FAA) Regulations.

The comments made at the public hearing focused on the extension of the runway. WCA's assuming control of airspace to ensure that approach path obstacles do not become a recurring problem addresses a concern that is independent of any runway extension. The proposed plan results in county authority to maintain this critical area of the airport. This action is highly desirable and, in the face of a small but very vocal minority's objections, is a clear display of leadership on the part of the County Board of Supervisors.

UNYTA's comments concerning negative impact on wetlands are not compelling. The December 9 DEC "Interested Parties" letter states clearly that there will no permanent damage to the wetlands from the obstacle removal activities.

Thank you for your efforts to keep the WCA a viable airport. Twenty years from now we will all look back on this and be thankful that the Board of Supervisors moved forward with this land acquisition plan.

Sincerely,



G. Travis Whitehead
Queensbury NY



(From the pending Environmental Assessment (EA) dated 11/13)

1.03 Purpose and Need

"The purpose of the proposed project is to provide adequate runway length to accommodate the family of critical design airplanes/aircraft currently operating at the airport and anticipated to operate at the airport in the next five years.

The proposed extension of Runway 1-19 from 5,000 feet to 6,000 feet is needed to provide the necessary length to operate the existing and anticipated jet aircraft without imposing weight restrictions or requiring an intermediate fuel stop when flying to medium or long haul destinations. As documented in Appendix A, Letters of Support, operators of jet aircraft at the Airport have to operate under weight restrictions due to the limited runway length and Federal Aviation Regulations on charter operations. This results in inefficient operations and lost revenue to the operators, tenants, and ultimately Warren County."

This EA has been submitted to the FAA in hopes that they will accept it and open a short period of public comment. The County will then put a legal notice in the paper for one day. At the conclusion of this period in 2006 for a similar EA on runway 1, the FAA then issued a Finding Of No Significant Impact (FONSI). The 2006 FONSI stated as part of the reason to find no impact was that no public comments were received.

Is this because there was no concern or that people just do not read the legal section on a regular basis? Is there a reason that these hearings are not well publicized? The law specifies a minimum notice but does not say it can't be announced elsewhere if the goal is participation.

Also from the same pending Environmental Assessment, presently before the FAA

4.02-9 Socioeconomic Impacts

"The proposed project does not require land acquisition, nor does it require residential or business relocation; alter transportation patterns; divide or disrupt established communities; disrupt orderly, planned development; or create an appreciable change in employment."

If land acquisition is not needed, then why are we here tonight?

The above statement in the EA shows how the process is manipulated or staged to meet the letter of the law. We are here tonight to legitimize Eminent Domain proceedings to acquire lands for this project. It is disingenuous for the County, the engineers and the FAA to be aware of the pending action (the FAA has already been asked to fund this land acquisition) and to then permit the acceptance of this statement in the EA on its face.

What has happened here it seems is that the sneaky writers were hoping that by the time the FAA read the EA the County would already own the Maert property, and they could then word it the way they did never mentioning that the needed land was already acquired. --- This is the culture you get when you let the County be run by the County Lawyer and the ex-County Lawyer.

If the DEC will not issue a permit, the land will not only NOT be needed by the public but will represent not only a large initial expense but a continued loss of Town and County tax revenue, for eternity. Tonight is the time to stop this insanity, maybe the last time.

Not only are there no "compelling" reasons for either the public or the DEC to permit the extension, by the FAA's own standards the *existing* runway length is perfectly adequate and by its own "substantial use" rules and should not fund the proposed extension. If the proper figure (3-1) was chosen in the report the desired runway length turns out to be 4620'. We are already at 5000'. Saratoga gets more business jet traffic than we do and they are at 4700' and just overwhelmingly rejected a proposal to extend their runway. Columbia County followed the advice of C&S and extended to 5300' and then decided to shorten the runway to 5000' to avoid land taking for safety areas that C&S engineers claimed were mandated but not disclosed when they recommended the prior extension. The FAA recently ruled that they could keep the runway as is and reduce the safety areas below what C&S was telling them was needed and forcing the land taking.

To objectively determine 'need' I obtained the FlightAware data for the 365 day period ended July 23, 2013. I found 490 operations for the broad class of airplanes that was defined in the EA (class B-II) or exceeded that class. The average flight distance (AKA "haul length") was 383 Nautical Miles (NM) and the maximum distance was 2197 NM for a single nonstop flight to the Napa Valley in a large corporate Falcon 900 which made this coast to coast flight from our existing runway! Does it in any way seem that an extension MUST be done?? C&S based their "haul length" requirement on 4 subjective letters from aircraft owners that said they would like to see a longer runway rather than an objective analysis of the FlightAware data.

An objective analysis of the FlightAware data for the 245 flights from the WC airport shows:

182/245 were **Short Haul** (0-500 miles) 75%
 60/245 were **Medium Haul** (500-1,500 miles) 24%
 3/245 were **Long Haul** (Over 1,500 miles) <2%

This is further backed up by the data disclosed in Appendix K of the EA, dealing with noise analysis. The heavier the plane is loaded the louder it will be on takeoff and this is what is stated by C&S in the very same Environmental Assessment document:

"Aircraft operating at Glen Falls/Floyd Bennett Memorial Airport are local and itinerant GA traffic operating within 500 miles of the airport. Therefore, stage lengths for all modeled aircraft were designated as 1."

So when it suits the engineers, in the same document, the planes are short-haul / category 1 for noise calculations, but not for runway length analysis it seems. The conclusion was that noise will not be an

issue of course, despite the fact that the stated purpose of the increased runway length is to allow heavier planes to use the airport. -- You can't make this stuff up!

The existing runway length is already longer than FAA design requirements if haul length is correctly handled. They could try to stretch it by claiming a significant number of days yielded "wet runway" conditions, however wet runways affect only *landing* requirements which are generally far shorter than takeoff requirements. Every plane has a different landing requirement and is also dependant on whether a particular flight is being operated under part 91 (private) or part 135 (charter) conditions. That data is not provided in the FlightAware database and difficult to come by as records are not kept at most General Aviation airports that would indicate the choice of the pilot. Santa Monica (also a part 135 GA airport) however has said that only 6% of their flights were operated under part 135 conditions. If part 135 needs are to be cited then the relative usage should be disclosed as a safety margin of 40% is indeed a severe requirement. As an example, our most demanding aircraft in the group that regularly uses our airport, the Hawker 800XP, has a stated landing distance of 2600' at **maximum load**. If operating under **commercial charter rules** for that flight the landing distance should be increased by a factor of 1.667, or in this case to 4334'. If furthermore the runway is deemed to be wet, an additional 15% margin is added or 4984'. **The problematic Hawker can still land at our existing runway length, even when operating under strict part 135 requirements!** It should also be mentioned again that if safety margin is *ever* a concern under extreme weather conditions, Albany International is just 38 NM away which for a jet is well under 10 minutes flying time. Scotia is closer yet. This is just another case where an incomplete discussion of technical requirements served to obfuscate the required runway length rather than to better define it.

It is noted in the EA that well over half of the 500 critical operations were attributed to just 3 airplane types. Looking at the required runway lengths (takeoff) for those 3 planes at **maximum weight (MTOW)**, the required runway length is 3400' for the Citation V, 4810' for the Challenger 300 and 5281' for the Hawker 800XP. Only the Hawker would be constrained to reduce its range, from its max range of 2620 Nautical Miles by not taking on maximum fuel weight yet this is the reason given for the extension. It would need to drop its maximum weight by about 3% to be within safety margins for the existing runway length. Another way of looking at this is it would reduce the maximum range to about 2300 NM. The database shows that over the course of a year this one aircraft type took off 72 times with an average haul length of 380 NM and the longest flight was to Las Vegas at 1950 NM. Certainly 5000' does not pose much of a challenge for this most problematic aircraft type with any regular use at GFL. This same Hawker 800 has flown from here to East Hampton, KHTO, where the longest runway is 745' shorter and more narrow than our existing runway. No matter how long we might make the runway, there will be those that try to push the envelope. The Falcon 900 that I mentioned earlier that did a non-stop to California from here was also "weight limited" with no consequence. Its range is specified to be 4940 NM and that trip to the Napa Valley was only half that.

Imagine the inconvenience that would be suffered if that owner wanted fly out of GFL to take in the soccer game in Rio tomorrow, he would probably have to make an intermediate stop for fuel in the Caribbean ---What a tragedy. Finally, if you believe WarrenCountyDPW.com/airport_07/Fac_07.htm, it states (today but probably not tomorrow ;>) *"The primary instrument runway, runway 1/19, is 5000 feet long and 150 feet wide. Based upon currant [sic] activity, the largest aircraft to regularly use the airport is the Gulfstream IV. This aircraft is a large corporate jet that weighs approximately 74,500 pounds fully loaded and has a wingspan of 78 feet. The current runway strength is adequate to accommodate the Gulfstream IV and larger aircraft."*

This is a class D-II aircraft, well beyond the class that the FAA deems as the design class for this airport. It seems irresponsible for WC to hype the airport as accommodating planes outside of its design class while wining about weight restrictions on the 28,000 LB Hawker 800!!

It would be irresponsible of the FAA not to demand this level of documentation and analysis prior to rendering a FONSI. Four letters from aircraft operators for the extension? -- Why don't you spend \$8 Million plus on MY business infrastructure?

OTHER IMPACTS NOT ANALYZED OR DISCLOSED

This EA covers the area impacts for the Runway extension but does not analyze the subsequent requirements for the elimination of new obstructions. As the land rises to the South, massive excavations will be required.

Is the design for 34 or 50 to 1 like the current approach surface? What will be the required excavation volumes for each, and what affect will the choice have on the Precision ILS, lighting and approach "minimums"? The latest designs I see (2009) show 34:1 which would hinder the approach for all aircraft compared to the current 50:1 approach.

How will the water migrate past the runway extension? Will storm water drains need to be re-routed? Will a diminished wetland be able to handle storm flows or will channels develop that will carry sediment downstream into the Champlain Canal where Bond Creek terminates?

OTHER ENVIRONMENTAL CONCERNS

Never disclosed to the public prior to this FOIL as far as I can determine, is the suggested mitigation tactic for the destruction of the Class 1 Wetlands and the S1 Marl Fen.

Again from the pending Environmental Assessment....

The conceptual plan consists of a combination of wetland creation and the funding of, as part of an In-lieu Fee program, per the Department of the Army, USACE and EPA Final Rule regarding Compensatory Mitigation for Losses of Aquatic Resources, dated April 8, 2008. Environmental Benefit Projects sponsored by the Warren County Soil and Water

Conservation District

Part of the "wetland creation" is in the backyards of a series of houses along Ridge Road. None of these owners seems to have been made aware of this proposal, when will that happen? After all public hearings?? By the bulldozer operator?

Also, it is proposed that a series of Public Works projects formerly funded with County and other grant funds be now funded with FAA funds and that this is somehow considered to be compensatory for the destruction of wetlands at the airport. It is now no wonder why many of the County Supervisors have supported the idea of the runway extension as it provides not only a windfall to local construction interests, but also to their budgets by offsetting local expenditures with Federal monies. In meeting after meeting the reasoning for approving virtually anything at the airport comes down to someone pointing out that the County only picks up 5% of the project costs, with State and Federal grants totaling 95%.

In my opinion the following plan buried in the runway extension project amounts to bribery for the North County supervisor vote. Straight from the AIRPORT RUNWAY EA is the following suggested penance for destroying the wetlands:

The five projects, including estimated ranges of cost, are:

- | | |
|--|-----------------------|
| 1. Village of Lake George Stormwater Retrofit Project | \$100,000 - \$300,000 |
| 2. Fish Passage Improvement/Stream Culvert Replacement | \$80,000 - \$150,000 |
| 3. Schroon River Fish Habitat Improvement Project | \$50,000 - \$80,000 |
| 4. Lake George Reservoir Cleanout/Delta Sediment Reduction Project | \$40,000 - \$50,000 |
| 5. Asian Clam Eradication Project | \$50,000 - \$500,000 |

What is this doing in a runway extension project?? One must question the wisdom of such "compensatory" programs. Particularly when the sin is committed by one agency and the fine is paid by another. It seems that a program designed to trade off environmental improvements for unavoidable losses has been looked upon as a way to shift funding from one government agency to another. In this case the budget of the agency that will most benefit (Warren County) has co-opted control of the process from the agencies that will ultimately fund the projects!

With only a 5% financial contribution to the project and vast ancillary benefits, should Warren County or any other government entity be trusted to see that the other 95% of public funding is not largely wasted?

I THINK NOT - G. Travis Whitehead PE July 1 2014

July 1, 2014

Public Hearing pursuant to Article 2, section 201 and 202(A)

Floyd Bennett Airport Project

To Whom:

My name is Christopher Lynch. I live adjacent to the headwaters of this wetland in discussion, and have since 1985. I just celebrated the 50th year since I flew my first solo off of Floyd Bennett Airport; I hold an FAA commercial Pilot's license, and make a substantial part of my living in the aviation support field. If anyone in this room loves aviation more than I do, we should meet up later and I will buy the first drink.

I appear tonight, hoping to be debunked and proven wrong in my interpretation of the facts that have led to my current suspicions.

It appears to me that this runway expansion is unwarranted, unneeded and unsubstantiated by any conceivable logic.

The statement of need is fatally flawed. It omits salient facts, and draws erroneous conclusions, if I may use a highly technical term, in gibberish.

Under current NYS law, this project seems to be illegal, needing to virtually destroy an S-1 designated wetland, a nearly unique Marl Fen, supporting rare flora and fauna, to reportedly include the karner blue butterfly. To be allowed, advocates must show an overriding PUBLIC NEED - impossible, as the project certainly does not touch the public, and in the 70 years of its existence, no need has ever been even hinted at, even as Floyd Bennett hosted a profusion of commercial airlines, none of which succeeded, all of whom found the existing runways perfectly adequate.

The catch 22 is that if the project is halted, taxpayers lose millions, wasted on engineers, land acquisitions and the like. If it is pushed through, we lose the rarest wetland in NY State – located here in Warren County....and millions of dollars. The logic for this project, other than to grab free money from the Federal Government, is to provide a safety margin for flight operations, alternately, to allow all condition flight operations for a small, miniscule number of airplanes when fully loaded and fueled that cannot use GFL as it is presently configured. Both thoughts are false logic; Glens Falls Airport as is, has margins to handle C5-A's, 747's, B-17 bombers and any private aircraft flying. In the rare situations where a plane cannot land or take off due to full loads, weather or emergency, we have a number of airports within minutes, to land, refuel or whatever. For a jet, Albany International is 15 minutes away, as is Rutland, Saratoga just 10 minutes.

I can only see calling this project a public necessity, is at best, a mistake, at worst, a lie.

I hope I am wrong, but to correct my logic, I pose the following questions:

1. Wouldn't it make sense for Warren County to get the necessary permit from the Department of Environmental Conservation before spending any more taxpayer money? Is there any law that prevents them from getting at least a preliminary finding?
2. Has a formal Environmental Impact Statement been compiled? If not, will it be required, and at what stage of the project will it be done?
3. As this marl fen, or spring is identified as an S-1 protected area, one of three known in New York, and its wetlands class 1, and both are protected by DEC law and regulation, while it might be nice to have this extension, where is the defined "Public Need" as called for by law, or proof that this project "MUST" be done, a bar set by Mark Migliore, DEC Permit Administrator in his letter of December 13th, 20013, to allow this project to override environmental concerns? I can see no need, quite the contrary; this project would not help the public, but would harm them by destroying their wetlands, and creating future costs to burden taxpayers far into the future.
4. Was C&S Engineers engaged to determine the feasibility of this project, or to write a report supporting it?
5. Has C&S, or any other County entity ever investigated the legality of this project with regards to applicable laws of the DEC or Army Corps of engineers? Where are the notes and corpus of those investigations? If not, wouldn't this seem like a reasonable and responsible thing to do?
6. As Warren County is the actual Condemnor as per Section 204 of the Eminent Domain law, why is this meeting being held by contract engineers and airport officials? Has the county ceded its responsibility wrt this Section 202(a) hearing? When does the Board or other responsible County entity step back in?
7. At what point does the County intend to obtain a certificate of Environmental Compatibility and Public Need as per section 206 (b) of this law? Again, would it not be intelligent and responsible not to commit to more spending until this is done?
8. How would you define "Public" with regards to a facility used by a fraction of a per cent of regional residents as per 206 (b)? Does the damage to the public by loss of wetlands, loss of land taxes and future upkeep cost burden, outweigh the benefit to the very few individuals this project might help?
9. What are the cost estimates to Warren County for annual maintenance of this project?
10. How many projects has C&S done for Warren County in the past decade? Can you estimate the total they have received from us? How many projects did C&S recommend not be pursued?
11. As the airport has existed some 70 years without "avigation easements", especially with town zoning around building heights, why are they now necessary?
12. I have read the letters of support from business associates of airport management. In looking over their claims, can anyone here cite even one flight any of these gentlemen have made, where full fuel and full passenger load was needed? Official records indicate not. Even if there was need for a flight or two each year, would it not make sense to make an intermediate stop to fuel up? How does it make sense to pay 10-20 million dollars for one or two possible, but unlikely, flights a year?

I note many references to the marl fen being in a degraded state. The argument that because it is degraded, we should just kill it outright is morally and environmentally bankrupt.

Again, I hope I am wrong in my conclusions, but if my suspicions are correct, it seems many minds are made up, and public opinion or input will have little or no meaning to many of you. If not, either prove me wrong inter alia, or,

I hope you will shelve this project, and join me in lighting a fire under a DEC that needs a little urging to start to protect our Marl Fen and the wetlands it spawns.

Respectfully:

A handwritten signature in cursive script, appearing to read "Christopher Lynch". The signature is fluid and stylized, with a large initial "C" and a long, sweeping underline.

Christopher Lynch

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

232 Golf Course Road, Warrensburg, New York 12885

Phone: (518) 623-1281 • FAX: (518) 623-3603

Website: www.dec.ny.gov



December 9, 2013

RE: Warren County - Floyd Bennett Memorial Airport
Runway 01 End Obstruction Removal Project
Tree Removal & Temporary Access - Wetland #HF-3 (Class 1)
Town of Queensbury, Warren County
DEC Permit # 5-5234-00238/00015

Dear Interested Parties:

Thank you for your comments regarding the above project to remove trees at Floyd Bennett Memorial Airport. After careful consideration of all comments and a detailed technical review of the permit application, our Department has determined that the runway obstruction removal project meets the Freshwater Wetlands permit issuance standards. Accordingly, a DEC permit has been issued and is enclosed, along with a response prepared for Warren County by C&S Companies.

Our permit decision is based on the following:

The clearing of 12.75 acres of trees in the wetland will result in a change of cover type, but will not result in a permanent loss of wetland. The runway obstruction removal project is necessary for the safety of the airport and aircraft, and is required to comply with Federal Aviation Administration regulations. It is the only practicable alternative for accomplishing the applicant's objective, and cannot be accomplished on an alternative upland site. Wetland loss and degradation have been minimized to the maximum extent possible by choosing to cut and clear trees only without ground disturbance, and any fill for access will be temporary. Mitigation for the cover type change is not required. The trees will start growing back immediately, and the airport has no plans for annual or re-occurring maintenance. The increased public health and safety resulting from this project satisfies a compelling economic or social need that outweighs the detriment to the benefit of the wetland.

We appreciate the comments and concerns regarding a separate project to extend the runway 1,000 feet to the south. Our review and approval of the runway obstruction removal project will not predetermine the outcome of any such project that would extend the runway, or otherwise modify the airport facility. To date, DEC has not received specific information or a permit application for the future runway extension. If Warren County applies for a DEC Freshwater Wetlands permit, a clear demonstration of project need will be required in order for a permit to be issued. As stated in the Freshwater Wetlands Permit Requirements regulations (6 NYCRR Part 663.5):

Class 1 wetlands provide the most critical of the state's wetland benefits, reduction of which is acceptable only in the most unusual circumstances. A permit shall be issued only if it is determined that the proposed activity satisfies a compelling economic or social need that clearly and substantially outweighs the loss of or detriment to the benefit(s) of the Class 1 wetland.

-continued-

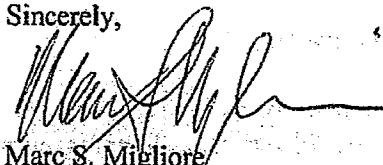
December 9, 2013
Page 2

Specific Class 1 standards include "...satisfies a compelling economic or social need..." The word "compelling" implies that the proposed activity carries with it not merely a sense of desirability or urgency, but of actual necessity; that the proposed activity **must** be done; that it is unavoidable.

Should DEC receive a permit application to extend the runway, you will have the opportunity to review the project documents and provide comments.

If you have questions regarding the enclosed permit or DEC Freshwater Wetlands regulations, please contact John O'Connor of our Bureau of Wildlife at 897-1296 or jroconno@gw.dec.state.ny.us. Thank you.

Sincerely,



Marc S. Migliore
Regional Permit Administrator

Enclosures

c: Ross Dubarry, Floyd Bennett Memorial Airport

cc: Jeffery Tennyson, Warren County Department of Public Works
Justin Strong - C&S Companies
John O'Connor, Wildlife

Dear People of the Town of Queensbury,

I have a big concern about the proposed project that will fill in our natural wetlands for the town of Queensbury.

For 51 plus years, I have lived next to these wetlands. My father owned some of the wetlands and started Rolling Ridge being very aware that the wetlands were precious to our environment. The original survey was very careful to stay away from the wetlands so people would not build there.

In 1982 or 1983 my father received a letter from the Town saying that they were designating many of his acres of land to be designated town wetland, to have sufficient designated wetland acreage for our town. This was at the time of the Earl Town proposals and the peat moss farm which was being planned south of the airport. Because this land Laakso, Macri and Eastwood wanted to develop was the towns designated wetland area, they now needed to replace it with other Queensbury land. My father was told he could not build on this land, or in a sense, do anything with it that would hurt our precious wetlands. In light of this, my father eventually gave this land to Queensbury, with the understanding that this was indeed designated wetlands for our Town. The Town Laws were created to help protect wetland boundaries, water tables, natural drainage and wells. The DES has been involved and has drawn boundaries to ensure our water safety, making

requirement for Property, Wetlands, Buildings, and well setbacks. Changing these laws is not for our health and well-being.

S-I Wetland

We have in our town, a special kind of wetland, a Marl Fen. All of this building and filling in will harm our environment. It takes 5,000 years to create a wetland like this. Nature has created these wetlands in the place that is the best for this environment.

I have heard that the proposed extension of the airport's main runway will mean filling in some of our very precious town wetlands. I also understand that there is another proposal to create a "NEW" wetlands. The scraping of land and making a man-made wetlands will not be sufficient. Marl Fen wetlands have unique and rare vegetation, Rare Blue Butterflies, and shelters for wildlife that cannot be man-made. (Read *)

My home is on Ridge Road. I have a well. When it rains, water goes down my hill and into these wetlands. I do not use pesticides or fertilizers. We are bee keepers and are very aware of how we treat our environment.

I am against this airport project. There is another project which is being proposed on the other side of the road. (The RR side)

With all these projects, and filling in wetlands, I fear for our water table, the natural drainage, and the wildlife of our town.

Again, I have lived on the edge of these wetlands for many years. I have a well and am concerned about how this would affect my drinking water. Since there are more houses around me now, since I built my home, I have seen a change in the water tables and drainage in these fields. I now have water in my basement.

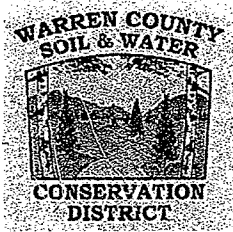
I would like to see an environmental impact statement about this project, which includes what will happen as these wetlands are continued being filled in here, and there. Please, please study this situation before just saying yes to a "business" that will make money from hurting our environment. I DO NOT want to pay taxes for such a project!

When will this Stop! This shows a disturbing trend. Once these ecosystems are compromised, it is very difficult to go back and repair them... or impossible.

Joan Reid

627 Ridge Road,

Queensbury, NY 12804



394 Schroon River Road, Warrensburg, NY, 12885
Phone: 518-623-3119
Fax: 518-623-3519
Email: district@nycap.rr.com
www.warrenswcd.org

Environmental Benefit Project Proposals

Warren County Airport Wetland Mitigation Project

Contact: Dave Wick, District Manager

October 27, 2010

Introduction

The Warren County Soil and Water Conservation District (District) is pleased to present multiple proposal options for the Warren County airport wetland mitigation project. The District has extensive experience in conservation project development, design, permitting and construction and has successfully undertaken environmental benefit projects in the past.

This document outlines a number of project ideas for consideration in this mitigation project. Every project briefly described herein already has the necessary permits, logistics and plans in place to move ahead quickly with construction. All five projects listed have variable proposed costs shown, as they can be segmented if necessary based upon funding available. Any or all of the projects in this proposal are ready to receive funding and can be executed immediately, and the District is willing to take on any number of projects selected. The projects represent an array of local conservation and environmental issues, and it is hoped that the cross section of initiatives provided will satisfy the interests of both the project manager and the regulatory agencies involved.

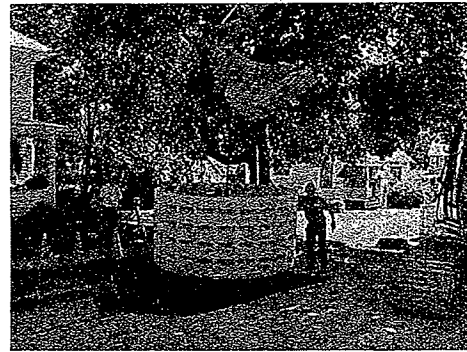
All of these projects have the added benefit of contributed local match from either local highway departments, the District or other partner organizations. These contributions only extend the value of the mitigation project dollars, increasing the environmental benefit and stretching those dollars even further. For any projects selected, the District will provide a more detailed project description and costs. If more information is required in advance, we will be pleased to provide it. In addition, if different projects are sought, the District will work with the involved parties to develop them.

The following proposed projects are described briefly below, including the cost range of undertaking that project:

1. Village of Lake George Stormwater Retrofit Project (\$100,000 - \$300,000)
2. Fish Passage Improvement / Stream Culvert Replacement Project (\$80,000 - \$150,000)
3. Schroon River Fish Habitat Improvement Project (\$50,000 - \$80,000)
4. Lake George Reservoir Cleanout / Delta Sediment Reduction Project (\$40,000 - 50,000)
5. Asian Clam Eradication Project (\$50,000 - \$500,000)

Project 1: Village of Lake George Stormwater Retrofit Project:

Stormwater runoff from Village of Lake George streets is a significant contributor to long-term water quality declines in the southern Lake George Basin. Over the past few years, the Warren County SWCD and Village DPW have been working to install roadside stormwater infiltration systems to eliminate these direct discharges to the lake. To date, thanks to grant funding, over 30 drywell infiltration systems have been installed, covering almost half of the Village streets. This has led to a significant and measurable reduction in stormwater runoff pollution into Lake George, which is classified as a deep water wetland by the Adirondack Park Agency and is a AA Special (drinking water) waterbody. Unfortunately, funding for this project has been used up and the program has been halted.

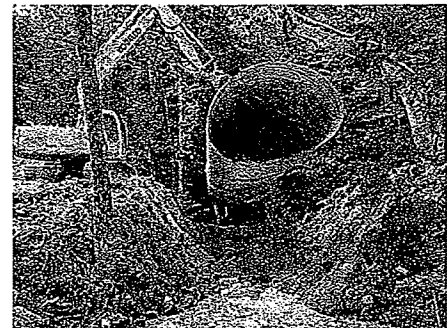


With additional funding, the Village would like to continue this important initiative, ultimately eliminating almost all stormwater discharge from the entire Village road network. This would be the only municipality in New York State, and possibly anywhere else, where the majority of stormwater runoff from an entire community would be mitigated and infiltrated safely into the ground. This project is ready to be implemented immediately upon funding. While not widely reported on, the Village of Lake George Stormwater Retrofit Project is one of the most significant water quality protection and improvement projects in Lake George history.

Project Cost Range: \$100,000 - \$300,000

Project 2: Fish Passage Improvement/Stream Culvert Replacement Project:

Brook trout have been on the decline for years in the Northeastern U.S. including Warren County. One of the primary reasons for this population decline has been the segmentation of habitat by improperly installed stream culverts which don't allow fish to pass through and spawn. Warren County SWCD conducted a comprehensive study in 2008 which showed that 37% of the stream culverts in the Lake George Basin could not pass fish. This issue has been found to be true across all of Warren County's trout streams.



Working with local highway departments, the District will replace existing old stream culverts which also are impassable to brook trout and other fish species. Each proposed culvert will be evaluated using the protocols developed by Dr. Tim Mihuc of SUNY Plattsburgh, which were utilized by the District in its Lake George Basin Fish Passage Study of 2008. Culverts classified by NYS DEC as spawning trout streams will be given highest priority for replacement. All new culverts will be sized and installed using the new DEC culvert protocols which include embeddedness, slope, and diameter. The District will delineate the upstream watershed and perform a hydrologic analysis on each culvert, ensuring proper sizing for a 100 year storm event. Where applicable, culverts may be replaced with bottomless arch systems, regaining a natural stream bottom.

Local highway departments will undertake most or all construction costs at their own expense, which tends to be a match of over 50% of the total project cost. As many Warren County municipalities as possible will be involved, to train and educate them on proper culvert design for both public safety, longevity, and fisheries issues.

Project Cost Range: \$80,000 - \$150,000

Project 3: Schroon River Fish Habitat Improvement Project:

The Schroon River is a beautiful and diverse waterway which winds its way from the upper reaches in Essex County down to its confluence with the Hudson River in Warrensburg in Warren County. Much of the river maintains excellent habitat for fish and macroinvertebrates, and there are a number of NYS DEC Public Fishing Rights along its upper length. However, there is a three and a half mile section of the Schroon River which exhibits very low species abundance and richness, primarily due to the tremendous lack of in-stream cover, structure, and habitat diversity. There is tremendous opportunity to provide in-stream habitat along this stretch of river, using only on-site and native materials (root wads, tree revetments, boulder vanes). The goal of this project is to create a significant amount of new habitat along this stretch of river, which will allow connectivity between the lower and upper sections of river which maintain strong habitat and fish populations. The Schroon River was listed on the 1996 PWL as "Precluded" for fish propagation and "Stressed" for fish survival along this section of river which is proposed herein.



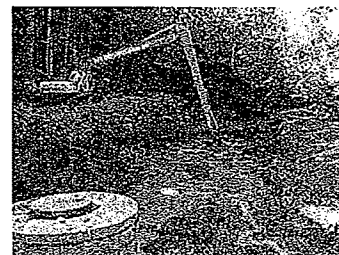
Through this project, the District will undertake the design and construction of 30-50 in-stream log structures with root wads, boulder clusters and vanes, and other approved structures to enhance fish habitat in this section of the river. Over two dozen distinct locations for these structures have been identified, including access points. At each of these locations, multiple individual structures (2-5) will be constructed at each site within a stretch of river. The locations of these structures were selected based upon site conditions at each section of river, access and ability to construct habitat structures. These sites have been spread relatively evenly along the 3.5 miles of river to be addressed, to maximize the connectedness of the upper and lower sections of river. This restoration project will increase the diversity and populations of existing fish species and macroinvertebrate populations in the river. Considerable information has been received by Ken Cox of the Vermont Fish and Wildlife Department on the Twin Rivers Habitat Project on the Batten Kill in West Arlington. In this project similar root wad structures were utilized and in one section yielded a 600% increase in small fish. This project will give attention to a section of the river that would otherwise remain in a very poor habitat condition.

Project Cost Range: \$50,000 - \$80,000

Project 4: Lake George Reservoir Cleanout/Delta Sediment Reduction Project:

At the mouths of all large streams in Lake George, sediment deltas have been growing due to streambank erosion, improper development practices, and other causes. To address this excess in-stream sediment and control the growth of these deltas, the District has been working with highway departments to clean the sediments out of old in-stream water supply reservoirs. This program has been tremendously effective, and since its inception, over 10,000 cubic yards of excess sediment have been kept out of Lake George. These reservoirs and in-stream sediment ponds are once again in need of cleanout to maintain their effectiveness. Eight of these structures are in need of cleanout, which will be undertaken by the District and local highway departments. This will entail the removal and proper disposal of over 1,500 cubic yards of sediment, keeping it from reaching Lake George and adding to this growing problem.

Project Cost Range: \$40,000 - \$50,000

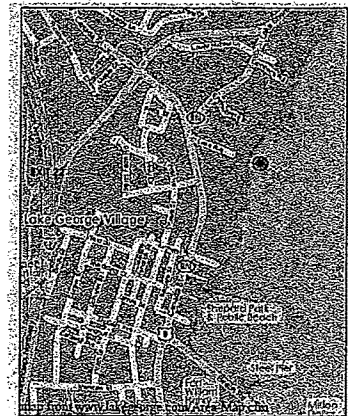


Project 5: Asian Clam Eradication Project:

Asian clams were very recently found off of Lake Avenue Beach in the Village of Lake George. These clams are invasive, spread very quickly and can cause extensive ecological and economic damage to Lake George. An emergency response team has been set up and strategies for eradication have been developed by Darrin Freshwater Institute, the Lake George Park Commission, the LGA, and many other involved parties. If this threat is not contained now, it will certainly spread throughout the lake and will never be controlled.



A pilot program has been set up and executed to test the effectiveness of various types of benthic mats in killing these clams. In October of 2010, divers placed large benthic mats of varying composition on the bottom of the lake in the affected area. Monitoring of the mortality of these clams will be ongoing throughout the study. The most effective system will ultimately be employed in the entire 2.5 acre affected area. Molluscicides are also being evaluated as a possible treatment technique, although chemical treatments have permitting issues in Lake George.



The pilot project, plus the ultimate eradication effort is expected to cost between \$500,000 and \$1 million dollars. There is extremely limited public funding for this initiative, and all donations and other funding sources are being sought by the project partners.

Project Cost Range: \$50,000 - \$500,000



Managing Iowa Habitats

Fen Wetlands

Introduction

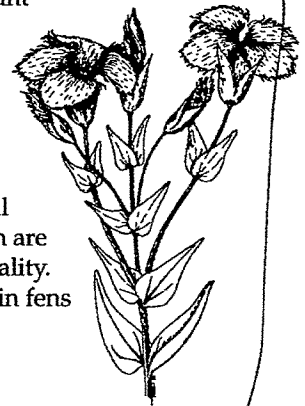
Fens are the rarest of Iowa's wetland communities and of great scientific interest. While their geology varies, they all are the products of the seepage of groundwater to the surface. Because the water is rich in calcium and other minerals, only a select group of plants is able to grow there. As a result, fens contain many plant species considered endangered or threatened in Iowa.

A few of the oldest fens contain plant remains that date back 10,000 years, though most Iowa fens are less than 5,000 years old. A few of these "younger" fens may have existed 10,000 years ago, but because of dramatic climate changes, they may have dried up and lost the plant remains (by burning or erosion) that could prove their age. When the climate grew wetter again about 5,000 years ago, these fens may have reappeared. Most Iowa fens, however, are thought to be of rather recent origin, geologically speaking. It is likely they were formed in the last 5,000 years and are related to the changes in geology brought by the receding of the last glaciers from Iowa.

Why should I be concerned?

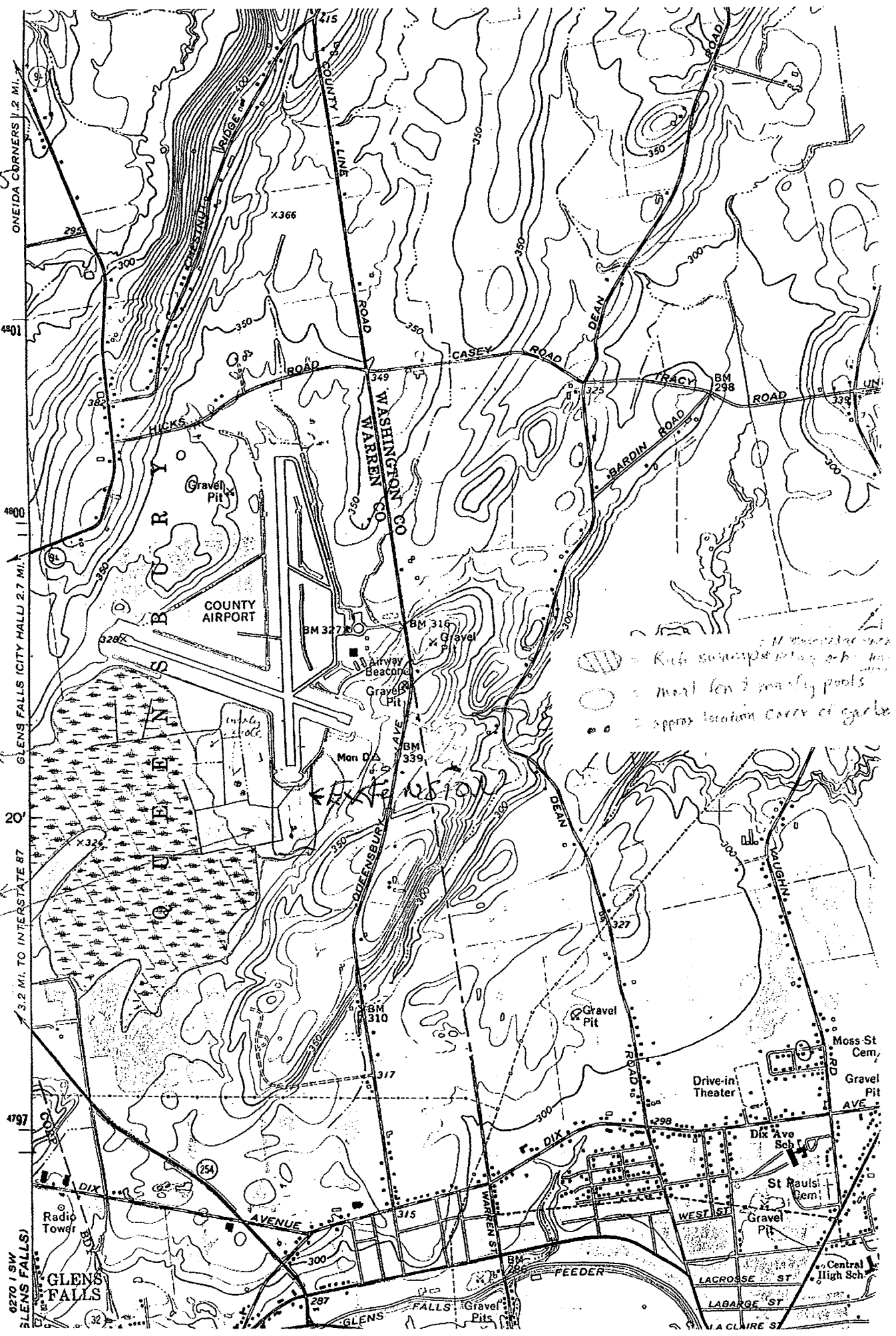
Fens are an important and unique wetland type. Not only are the fens themselves rare, but they shelter over 200 plant species, 20 of which are Iowa endangered and threatened species. Many of the plant species have been in these areas for thousands of years. The fen's vegetation, in turn, shelters wildlife by providing valuable habitat.

Fens are valuable to humans as well. They are important as sites of groundwater discharge — good indicators of shallow aquifers. Vegetation in all wetlands plays an important role in recycling nutrients, trapping eroding soil, and filtering out polluting chemicals such as nitrates. However, the rarity of fens and their relatively small size makes it important to protect them from overloading by these materials. Too many nutrients or other chemicals can irreparably damage fens. As miners watched their canaries for signs of poisoned air, it is wise for humans to watch closely the health of plant and animal life in ecosystems such as fens, which are good indicators of environmental quality. The condition of plants and animals in fens can help us monitor the quality of groundwater resources.



Fringed gentian

Glens Falls
3 473 35



Legend:
Kub. sumpt. play 2-4 in.
moat for 2 nearby pools
approx location center of garage

22/87